

1973
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION
FORTY-THIRD LEGISLATURE

Convened January 8, 1973. Adjourned March 8, 1973.

1st EXTRAORDINARY SESSION
FORTY-THIRD LEGISLATURE

Convened March 9, 1973. Adjourned April 15, 1973.



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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 one or more paper bound pamphlets, which are published as soon as possible following the session, at random dates as accumulated; followed by
 - (ii) a bound volume edition containing the accumulation of all laws adopted in the legislative session. Both editions are 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 98504 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 98504 at four dollars per volume. (No sales tax required.) The laws of the 1973 Regular Session and the 1973 1st Extraordinary Session, will be combined in one volume. 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 are printed by the offset method to present the new laws in the form in which they were adopted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

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

3.—PARTIAL VETOS

- (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.—EDITORIAL CORRECTIONS. Words and clauses inserted herein pursuant to the authority of RCW 44.20.060 are enclosed in brackets []. Brackets accompanied by an asterisk *[] indicate that the material contained within the brackets is offered in substitution for the word immediately preceding.

5. EFFECTIVE DATE OF LAWS

- (a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 1973 regular session to be June 7, 1973 (midnight June 6). The Office of Attorney General has determined the pertinent date for the laws of the 1973 1st Extraordinary Session to be July 16, 1973 (midnight July 15).
- (b) Laws which carry an emergency clause take effect immediately upon approval by the Governor.
- (c) Laws which prescribe an effective date, take effect upon that date.

6. INDEX AND TABLES

An index of all laws published herein, and pertinent tables, may be found at the back of the book.

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CHAPTER 1
[Initiative Measure No. 276]
DISCLOSURE--CAMPAIGN FINANCING--LOBBYING--RECORDS

AN ACT Relating to campaign financing, activities of lobbyists, access to public records, and financial affairs of elective officers and candidates; requiring disclosure of sources of campaign contributions, objects of campaign expenditures, and amounts thereof; limiting campaign expenditures; regulating the activities of lobbyists and requiring reports of their expenditures; restricting use of public funds to influence legislative decisions; governing access to public records; specifying the manner in which public agencies will maintain such records; requiring disclosure of elective officials' and candidates' financial interests and activities; establishing a public disclosure commission to administer the act; and providing civil penalties.

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

Section 1. DECLARATION OF POLICY. It is hereby declared by the sovereign people to be the public policy of the State of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to

have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this act shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence in fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected.

Sec. 2. DEFINITIONS. (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by R.C.W. 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency which has been filed with the appropriate election officer of that constituency.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to section 5 of this act.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to section 5 of this act, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when

he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under section 35 of this act.

(8) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses not in excess of twenty-five dollars personally paid for by any volunteer campaign worker. "Part time" services, for the purposes of this act, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this act, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this act, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(9) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(10) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters.

(11) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(12) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money

or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(13) "Final report" means the report described as a final report in section 8, subsection 2, of this act.

(14) "Immediate family" includes the spouse and children living in the household and other relatives living in the household.

(15) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

(16) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the State of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Acts, chap. 34.04 R.C.W. and chap. 28 B.19 R.C.W.

(17) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(18) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(19) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(20) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(21) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(22) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(23) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(24) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(25) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

As used in this act, the singular shall take the plural and any gender, the other, as the context requires.

CHAPTER I. CAMPAIGN FINANCING

Sec. 3. APPLICABILITY. The provisions of this act relating to election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for the President and Vice President of the United States; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.

Sec. 4. OBLIGATION OF POLITICAL COMMITTEES TO FILE STATEMENT OF ORGANIZATION. (1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated

committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;

(d) The name and address of its campaign treasurer and campaign depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution; and

(i) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

Sec. 5. CAMPAIGN TREASURER AND DEPOSITORIES. (1) Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the commission the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, a political committee or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission.

(3) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer or depository, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be deemed to be in compliance with the provisions of this act until his name and address is filed with the commission.

Sec. 6. DEPOSIT OF CONTRIBUTIONS--STATEMENT OF CAMPAIGN TREASURER--ANONYMOUS CONTRIBUTIONS. (1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, that contributions not exceeding five dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) (a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b) Accumulated anonymous contributions in excess of one percent of the total accumulated contributions received to date or three hundred dollars (whichever is less), shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

Sec. 7. AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS THEREON. No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

Sec. 8. CANDIDATES' AND TREASURERS' DUTY TO REPORT. (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition,

the county in which the campaign treasurer resides), in addition to any statement of organization required under section 4, a report of all contributions received and expenditures made in the election campaign prior to that date: PROVIDED, that if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this act, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under section 4, the initial report of the campaign treasurer of such a political committee in existence at the time this act becomes effective need include only:

(a) The funds on hand at the time of the report, and
(b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this act.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. A continuing political committee shall file reports as required by this act until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three

business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection during normal business hours at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

Sec. 9. CONTENTS OF REPORT. (1) Each report required under section 8 of this act shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, that contributions not exceeding five dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names and amounts of each such contributor;

(c) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this act; and

(k) Funds received from a political committee not domiciled in Washington State and not otherwise required to report under this act (a "non-reporting committee"). Such funds shall be forfeited to the State of Washington unless the non-reporting committee has filed with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the non-reporting committee; (iii) the names, addresses and titles of its officers or if it has no officers, the names, addresses and titles of its responsible leaders; (iv) a statement whether the non-reporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the State of Washington whom the non-reporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the State of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the State of Washington or corporation which has a place of business in the State of Washington who has made one or more contributions to the non-reporting committee during the preceding twelve month period, together with the money value and date of such contributions; (viii) the name and address of each person in the State of Washington to whom an expenditure was made by the non-reporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

Sec. 10. SPECIAL REPORTS. In addition to the other reports required by this act

(1) Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or expenditure; and

(2) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve month period to any political committee not domiciled in the State of Washington or

not otherwise required to report under this act, if the person reasonably expects such political committee to make contributions in respect to any election covered by this act, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution, and (c) any instructions given as to the use or disbursement of such contribution.

Sec. 11. COMMERCIAL ADVERTISERS' DUTY TO REPORT. (1) Within fifteen days after an election each commercial advertiser who has accepted or provided political advertising during the election campaign shall file a report with the commission which shall be certified as correct and shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered;

(c) The consideration and the manner of paying that consideration for such services; and

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

(2) No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars.

Sec. 12. IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution.

Sec. 13. FORBIDS USE OF PUBLIC OFFICE FACILITIES IN CAMPAIGNS. No elective official nor any employee of his office may use or authorize the use of any of the facilities of his public office, directly or indirectly, for the purpose of assisting his campaign for reelection to the office he holds, or for election to any other office, or for election of any other person to any office or for the promotion or opposition to any ballot proposition. Facilities of public office include, but are not limited to, use of stationery, postage, machines and equipment, use of employees of the office during working hours, vehicles, office space, publications of the office, and clientele lists of persons served by the office: PROVIDED, that this section shall not apply to those activities performed by the official or his office which are part of the normal and regular conduct of the office.

Sec. 14. CAMPAIGN EXPENDITURE LIMITATIONS. (1) The total of expenditures made in any election campaign in connection with any public office shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered in the constituency at the last general election for the public office; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected: PROVIDED, that with respect to candidates for the office of governor and lieutenant governor of the State of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two; and with respect to candidates for the state legislature only, a sum equal to the public salary which will be paid to a member of the state senate during his term.

(2) In any election campaign in connection with any statewide ballot proposition the total of expenditures made shall not exceed one hundred thousand dollars. The total of such expenditures in any election campaign in connection with any other ballot proposition shall not exceed ten cents multiplied by the number of voters registered in the constituency voting on such proposition.

CHAPTER II. LOBBYIST REPORTING

Sec. 15. REGISTRATION OF LOBBYISTS. (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston County during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this act;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration.

Sec. 16. EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under sections 15, 17, 19, and 20 of this act:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Lobbying without compensation or other consideration: PROVIDED, such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or

employee of the State of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this act.

(4) The Governor.

(5) The Lieutenant Governor.

(6) Except as provided by section 19(1), members of the legislature.

(7) Except as provided by section 19(1), persons employed by the legislature for the purpose of aiding in the preparation and enactment of legislation.

(8) Except as provided by section 19 elected officers, state officers appointed by the Governor subject to confirmation by the Senate, and employees of any state agency.

Sec. 17. REPORTING BY LOBBYISTS. (1) Any lobbyist registered under section 15 of this act and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travels; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: PROVIDED HOWEVER, that unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: and PROVIDED FURTHER, that the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount,

and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates or other legislative enactments under chap. 34.04 R.C.W. and chap. 28B.19 R.C.W. (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; PROVIDED, that in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

Sec. 18. REPORTS BY EMPLOYERS OF REGISTERED LOBBYISTS. Every employer of a lobbyist registered under this act shall file with the commission on or before January 31st of each year a statement disclosing for the preceding twelve months the following information:

(1) The name of each elected official, candidate, or any member of his immediate family to whom such employer has paid any compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.

(2) The name of any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.

Sec. 19. LEGISLATIVE ACTIVITIES OF STATE AGENCIES AND OTHER UNITS OF GOVERNMENT. (1) Every legislator and every committee of the Legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation and enactment of legislation during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and

tenth days of each calendar quarter.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, this shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, that this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate to members of the legislature on request of any member or communicate to the legislature requests for legislation or appropriations shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities.

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this act, if such officer or employee is not otherwise exempted.

Sec. 20. GRASS ROOTS LOBBYING CAMPAIGNS. (1) Any person who has made expenditures, not reported under other sections of this act, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation,

and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

Sec. 21. EMPLOYMENT OF LEGISLATORS, ATTACHES, OR STATE EMPLOYEES; STATEMENT, CONTENTS AND FILING. If any person registered or required to be registered as a lobbyist under this act employs, or if any employer of any person registered or required to be registered as a lobbyist under this act, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full-time state employee, if such new employee shall remain in the partial employ of the State or any agency thereof, then the new employer shall file a statement under

oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.

Sec. 22. EMPLOYMENT OF UNREGISTERED PERSONS. It shall be a violation of this act for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this act except upon condition that such person register as a lobbyist as provided by this act, and such person does in fact so register as soon as practicable.

Sec. 23. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time: PROVIDED, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.

CHAPTER III. REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

Sec. 24. ELECTED OFFICIALS REPORTS OF FINANCIAL AFFAIRS. (1)

Every elected official (except President, Vice President and precinct committeemen) shall on or before January 31st of each year, and every candidate (except for the offices of President, Vice President and precinct committeeman) shall, within two weeks of becoming a candidate, file with the commission a written statement sworn as to its truth and accuracy stating for himself and his immediate family for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each direct financial interest in excess of five thousand dollars in a bank or savings account or cash surrender value of any insurance policy; each other direct financial interest in excess of five hundred dollars; and the name, address, nature of entity, nature and value of each such direct financial interest; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, that debts arising out of a "retail installment transaction" as defined in chap. 63.14 R.C.W. (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom actual or proposed legislation, rules, rates, or standards has been prepared, promoted, or opposed for current or deferred compensation; the description of such actual or proposed legislation, rules, rates or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union or other entity in which is held any office, directorship or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship or partnership; the nature of ownership interest; and with respect to each such entity the name of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and

the consideration given or performed in exchange for such compensation; and

(h) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, that if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(1) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this act, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the Secretary of State under R.C.W. 42.21.060.

CHAPTER IV. PUBLIC RECORDS.

Sec. 25. DUTY TO PUBLISH PROCEDURES. (1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) rules of procedure;

(d) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed.

Sec. 26. DOCUMENTS AND INDEXES TO BE MADE PUBLIC. (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) planning policies and goals, and interim and final planning decisions;

(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other

factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if--

(a) it has been indexed in an index available to the public; or

(b) parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This act shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law.

Sec. 27. FACILITIES FOR COPYING. Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

Sec. 28. TIMES FOR INSPECTION AND COPYING. Public records shall be available for inspection and copying during the customary office hours of the agency: PROVIDED, that if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representatives agree on a different time.

Sec. 29. PROTECTION OF PUBLIC RECORDS. Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this act to provide full public access to official records, to protect public records from damage or disorganization, and to

prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information.

Sec. 30. CHARGES FOR COPYING. No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying.

Sec. 31. CERTAIN PERSONAL AND OTHER RECORDS EXEMPT. (1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chap. 8.26 R.C.W., the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and

intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

Sec. 32. PROMPT RESPONSES REQUIRED. Responses to requests for records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

Sec. 33. COURT PROTECTION OF RECORDS. The examination of any specific record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

Sec. 34. JUDICIAL REVIEW OF AGENCY ACTIONS. (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a

specific record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under Sections 25 through 32 of this act shall be de novo. Courts shall take into account the policy of this act that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

CHAPTER V. ADMINISTRATION AND ENFORCEMENT

Sec. 35. COMMISSION--ESTABLISHED--MEMBERSHIP. There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chap. 34.04 R.C.W. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Members shall serve without compensation, but shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the commission as provided in chap. 43.03 R.C.W.

Sec. 36. COMMISSION--DUTIES. The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this act:

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this act;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this act;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this act to the appropriate law enforcement authorities;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this act and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this act according to the powers granted it by law.

Sec. 37. COMMISSION--ADDITIONAL POWERS. The commission is empowered to:

(1) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this act;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this act, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this act;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the fact that an alleged or apparent violation has occurred and the nature thereof;

(5) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material for the purpose of any investigation authorized under this act, or any other proceeding under this act;

(6) Adopt and promulgate a Code of Fair Campaign Practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the

provisions of this act relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities and other municipalities and political subdivisions in preparing, publishing and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chap. 43.09 R.C.W. shall review such regulations, accounts and reports and make appropriate findings, comments and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this act works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the act. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston County Superior Court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order.

Sec. 38. SECRETARY OF STATE, ATTORNEY GENERAL--DUTIES. (1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this act. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this act. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section.

Sec. 39. CIVIL REMEDIES AND SANCTIONS. (1) One or more of the following civil remedies and sanctions may be imposed by the court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this act by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this act, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, however, that imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this act.

(c) Any person who violates any of the provisions of this act may be subject to a civil penalty of not more than ten thousand dollars for each such violation.

(d) Any person who fails to file a properly completed statement or report within the time required by this act may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

Sec. 40. ENFORCEMENT. (1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in Section 39.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this act, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this act.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of

any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general in writing that there is reason to believe that some provision of this act is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this act if the attorney general has failed to commence an action hereunder within forty days after such notice and if the attorney general has failed to commence an action within ten days after a notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action if the person who brings the citizen's action prevails, he shall be entitled to one-half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment, he shall be entitled to be reimbursed for such costs and fees by the State of Washington: PROVIDED, that in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or treble damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as

defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the State of Washington.

Sec. 41. LIMITATION ON ACTIONS. Any action brought under the provisions of this act must be commenced within six years after the date when the violation occurred.

Sec. 42. DATE OF MAILING DEEMED DATE OF RECEIPT. When any application, report, statement, notice, or payment required to be made under the provisions of this act has been deposited post-paid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing.

Sec. 43. CERTIFICATION OF REPORTS. Every report and statement required to be filed under this act shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed.

Sec. 44. STATEMENTS AND REPORTS PUBLIC RECORDS. All statements and reports filed under this act shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency.

Sec. 45. DUTY TO PRESERVE STATEMENTS AND REPORTS. Persons with whom statements or reports or copies of statements or reports are required to be filed under this act shall preserve them for not less than six years. The commission, however, shall preserve such statements or reports for not less than ten years.

Sec. 46. 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.

Sec. 47. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

Sec. 48. CHAPTER AND SECTION HEADINGS NOT PART OF LAW. Chapter and section captions or headings as used in this act do not constitute any part of the law.

Sec. 49. EFFECTIVE DATE. The effective date of this act shall be January 1, 1973.

Sec. 50. REPEALS. Chap. 9, Laws of 1965, as amended by sec. 9, chap. 150, Laws of 1965 ex. sess., and R.C.W. 29.18.140; and chap.

131, Laws of 1967 ex. sess. and R.C.W. 44.64; and chap. 82, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24; and chap. 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed.

Filed in the Office of Secretary of State March 29, 1972.

Passed by the vote of the people at November 7, 1972 state general election.

Proclamation signed by Governor, December 7, 1972 declaring measure effective law.

CHAPTER 2

[Initiative Measure No. 44]

PROPERTY TAXES--LIMITATION OF LEVIES

AN ACT to limit tax levies on real and personal property by the state, and other taxing districts, except port and power districts, to an aggregate of twenty (20) mills on assessed valuation (50% of true and fair value), without a vote of the people; allowing the legislature to allocate or reallocate up to twenty (20) mills among the various taxing districts.

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

Section 1. Section 84.52.050, chapter 15, Laws of 1961 as last amended by section 5, chapter 92, Laws of 1970, 2nd Ex. Sess. and RCW 84.52.050 which 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 exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; 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 and the levy by any county shall not exceed four mills: PROVIDED, That if such constitutional amendment is so approved, 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 be reduced to not to exceed one mill; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills; the levy by or for any school district shall not exceed seven 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 six 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 five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half 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.
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 exceed twenty 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.

Nothing herein contained shall prohibit the legislature from

allocating or reallocating up to twenty mills between the taxing districts of the state and its political subdivisions and nothing herein contained shall prevent levies at the rates provided by existing law by or for any port or power district."

Filed in the office of the Secretary of State October 15, 1970.

Passed by the vote of the people at the November 7, 1972 state general election.

Proclamation signed by the Governor, December 7, 1972 declaring measure effective law.

CHAPTER 3

[House Bill No. 55]

PROPERTY TAXES--EXCESS LEVIES--MAJORITY VOTE REQUIREMENT
REVISION--SPECIAL ELECTION APPROVAL

AN ACT Relating to revenue and taxation; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 26, chapter 288, Laws of 1971 ex. sess. and RCW 84.52.052; and declaring an emergency.

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

Section 1. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 26, chapter 288, Laws of 1971 ex. sess. and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in

RCW 84.52.050 through 84.52.056, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town ((by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: PROVIDED FURTHER, That the total number of person voting on an excess levy for school district purposes or for fire protection purposes or for cities and towns at any such special election of such districts or of any city or town must constitute not less than forty percent of the voters in such taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district)) in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by

publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levies shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 2. This 1973 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 January 18, 1973.

Passed the Senate January 17, 1973.

Approved by the Governor January 25, 1973.

Filed with the Secretary of State January 25, 1973.

CHAPTER 4

[Senate Bill No. 2021]

ELECTIONS--ANNUAL GENERAL ELECTIONS

AN ACT Relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as amended by section 2, chapter 123, Laws of 1965 and RCW 29.13.010; amending section 29.39.030, chapter 9, Laws of 1965 as amended by section 5, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.030; amending section 29.42.030, chapter 9, Laws of 1965 and RCW 29.42.030; amending section 29.42.040, chapter 9, Laws of 1965 and RCW 29.42.040; amending section 29.42.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 32, Laws of 1967 ex. sess. and RCW 29.42.050; amending section 29.80.010, chapter 9, Laws of 1965 and RCW 29.80.010; amending section 29.81.100, chapter 9, Laws of 1965 as amended by section 5, chapter 145, Laws of 1971 ex. sess. and RCW 29.81.100; and adding new sections to chapter 9, Laws of 1965 and to chapter 29.13 RCW; and declaring an emergency.

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

Section 1. Section 29.13.010, chapter 9, Laws of 1965 as amended by section 2, chapter 123, Laws of 1965 and RCW 29.13.010 are each amended to read as follows:

All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A

state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of state and county officers for the remainder of any unexpired terms as provided for in Article II, section 15, Article III, section 10, and Article IV, sections 3 and 5 of the state Constitution; (3) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (4) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers; nor special elections to fill vacancies ((in any state office, or)) in the membership of either branch of the congress of the United States: PROVIDED ((FURTHER)) HOWEVER, That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.13 RCW a new section to read as follows:

Whenever state measures are voted upon at a state general election held in November of an odd-numbered year as provided for in section 1 of this 1973 amendatory act, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such expense claims with the state auditor. The state auditor shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

NEW SECTION. Sec. 3. There is added to chapter 9, Laws of 1965 and to chapter 29.13 RCW a new section to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of

the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single non-partisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot.

Sec. 4. Section 29.39.030, chapter 9, Laws of 1965 as amended by section 5, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.030 are each amended to read as follows:

"Election" used alone means a general election except where the context indicates that a special election is meant or included. "Election" used without qualification never means a primary. ("Election" does not include a municipal election.)

In addition to the above, for the purpose of this chapter, the term "primary" means the ((state)) primary elections held on the third Tuesday in September of ((the even-numbered)) each year. The term "election" means the ((state)) general elections held on the first Tuesday following the first Monday in November of ((the even-numbered and the odd-numbered years: PROVIDED; HOWEVER; That the absentee ballots for service voters of such odd-numbered year election shall be restricted to state measures being submitted for approval or rejection)) each year.

The purpose of this section is to authorize absentee voters qualifying as service voters as defined by RCW 29.39.010, as now existing or hereafter amended, to cast the same ballots, including those for special elections, as any registered voter would receive under the provisions of RCW 29.36.030 for any September primary or November general election.

Sec. 5. Section 29.42.030, chapter 9, Laws of 1965 and RCW 29.42.030 are each amended to read as follows:

The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. This committee shall meet for the purpose of organization at the county court house at two o'clock p.m. on the second Saturday in December after each state general election in the even-numbered year unless some other time and place are designated by a sufficient notice to all the newly elected committeemen by the authorized officers of the retiring committee. For the purpose of this paragraph, a notice mailed at least

seventy-two hours prior to the date of the meeting shall constitute sufficient notice.

At its organization meeting, the county central committee shall elect a chairman and vice chairman who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman.

Sec. 6. Section 29.42.040, chapter 9, Laws of 1965 and RCW 29.42.040 are each amended to read as follows:

Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his declaration of candidacy with the county auditor for the office of precinct committeeman of his party in that precinct. When elected he shall serve so long as he remains an eligible voter in that precinct and until his successor has been elected at the next ensuing state general election in the even-numbered year.

Sec. 7. Section 29.42.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 32, Laws of 1967 ex. sess. and RCW 29.42.050 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a class AA county, such appointment shall be made only upon the recommendation of the legislative district chairman: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct:

PROVIDED FURTHER, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030.

Sec. 8. Section 29.80.010, chapter 9, Laws of 1965 and RCW 29.80.010 are each amended to read as follows:

((There shall be mailed by the secretary of state to all voters of the state)) As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein; PROVIDED, That in odd-numbered years no candidate's pamphlet shall be published.

Sec. 9. Section 29.81.100, chapter 9, Laws of 1965 as amended by section 5, chapter 145, Laws of 1971 ex. sess. and RCW 29.81.100 are each amended to read as follows:

As soon as possible prior to any state general election at which any initiative ((or)) measure, referendum measure, or amendment to the state Constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the serial designation ((and)) or number, the ballot title, the legislative title, if any, the full text of and the arguments for and arguments against each such measure ((including amendments to the Constitution proposed by the legislature)) to be submitted to the people, and such other information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

NEW SECTION. Sec. 10. This 1973 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 January 15, 1973.

Passed the House January 18, 1973.

Approved by the Governor January 25, 1973.

Filed with the Office of Secretary of State January 25, 1973.

CHAPTER 5

[Senate Bill No. 2055]

DRIVERS' LICENSES--OCCUPATIONAL DRIVER'S LICENSE

AN ACT Relating to drivers' licenses; and adding a new section to

chapter 12, Laws of 1961 and to chapter 46.20 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 12, Laws of 1961 and to chapter 46.20 RCW a new section to read as follows:

(1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory: PROVIDED, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceeding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2) (a) and (2) (c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.

If such petitioner is qualified under the provisions of subsection (2) (b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: PROVIDED, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: PROVIDED FURTHER, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such

license and such other conditions as the judge granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: PROVIDED, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title.

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 January 23, 1973.

Passed the House February 10, 1973.

Approved by the Governor February 20, 1973.

Filed in Office of Secretary of State February 20, 1973.

CHAPTER 6

[Senate Bill No. 2618]

UNEMPLOYMENT COMPENSATION--ADMINISTRATIVE FUNDING EXTENSION

AN ACT Relating to unemployment compensation; amending section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 201, Laws of 1969 ex. sess. and RCW 50.16.030; establishing an effective date; and declaring an emergency.

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

Section 1. Section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 201, Laws of 1969 ex. sess. and RCW

50.16.030 are each amended to read as follows:

(1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act, as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefits account.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a

twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the ((~~fourteen~~)) twenty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and charged against the amounts credited to the account of this state during any of such ((~~fifteen~~)) twenty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the ((~~fourteenth~~)) twenty-fourth twelve-month period preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

NEW SECTION. Sec. 2. This 1973 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 February 15, 1973.

Passed the House February 18, 1973.

Approved by the Governor February 20, 1973.

Filed in Office of Secretary of State February 21, 1973.

CHAPTER 7

[Senate Bill No. 2619]

EMPLOYMENT SECURITY DEPARTMENT--SUPPLEMENTAL APPROPRIATION

AN ACT Relating to the employment security department of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated out of funds made available to this state under section 903 of the Social Security Act, as amended, the sum of four hundred thousand dollars, or so much thereof as may be necessary, to be used under the direction of the commissioner of the employment security department for the purpose of paying the legally authorized and required salaries and fringe benefits to the employees of the employment security department of the state of Washington in the event and to the extent that the United States or its agents fail or refuse to supply sufficient current obligational authority to make such payments at the staff level in effect for such department on February 1, 1973, for the remainder of the 1971-1973 biennium.

NEW SECTION. Sec. 2. No part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning on the date of enactment of this 1973 act.

NEW SECTION. Sec. 3. The amount obligated pursuant to this act during any twelve-month period beginning on July 1st and ending on the next June 30th shall not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the Social Security Act during such twelve-month period and the twenty-four preceding twelve-month periods exceeds (2) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such twenty-five twelve-month periods.

NEW SECTION. Sec. 4. This 1973 act is necessary for the

immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate February 15, 1973.

Passed the House February 18, 1973.

Approved by the Governor February 20, 1973.

Filed in Office of Secretary of State February 21, 1973.

CHAPTER 8

[Substitute Senate Bill No. 2106]

SUPPLEMENTAL BUDGET

AN ACT Relating to expenditures by state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; making other appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a supplemental budget is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1971 and ending June 30, 1973, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE GOVERNOR-SPECIAL APPROPRIATIONS

Based upon the salary schedule in effect on January 1, 1973 the governor shall allot the amounts necessary for a salary adjustment of \$40 per month for full time employees pro-rated for less than full time, effective February 1, 1973:

For all local school district classified employees, for all employees of four-year units of higher education, and for all state employees except faculty and exempt staff of community colleges and certificated staff of local school districts.

General Fund Appropriation.....	\$10,139,600
For salary adjustments as provided in this section to special funded agencies from specified funds as follows:	
(1) FOR THE STATE TREASURER	
General Fund-Investment Reserve Account Appropriation..\$	4,216
War Veterans' Compensation Fund Appropriation.....\$	2,953
Motor Vehicle Fund Appropriation.....\$	152
(2) FOR THE ATTORNEY GENERAL	
Legal Services Revolving Fund Appropriation.....\$	13,815
(3) FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT	
Motor Vehicle Excise Fund Appropriation.....\$	994
(4) FOR THE DEPARTMENT OF PERSONNEL	
Department of Personnel Service Revolving Fund Appropriation.....\$	25,374
(5) FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM	
Retirement System Expense Fund Appropriation.....\$	12,562
(6) FOR THE FINANCE COMMITTEE	
General Fund-Investment Reserve Account Appropriation..\$	3,186
(7) FOR THE DEPARTMENT OF GENERAL ADMINISTRATION	
General Administration Facilities and Services Revolving Fund Appropriation.....\$	42,285
(8) FOR THE AERONAUTICS COMMISSION	
General Fund-Aeronautics Account Appropriation.....\$	1,679
(9) FOR THE HORSE RACING COMMISSION	
Horse Racing Commission Fund Appropriation.....\$	1,728
(10) FOR THE INDUSTRIAL INSURANCE APPEALS	
BOARD	
Accident Fund Appropriation.....\$	6,635
Medical Aid Fund Appropriation.....\$	6,635
(11) FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation.....\$	248,455
(12) FOR THE PUGET SOUND PILOTAGE	
COMMISSION	
General Fund-Puget Sound Pilotage Account Appropriation.....\$	40
(13) FOR THE UTILITIES AND TRANSPORTATION COMMISSION	
Public Service Revolving Fund Appropriation.....\$	40,286
(14) FOR THE BOARD OF VOLUNTEER FIREMEN	
Volunteer Firemen Relief and Pension Fund Appropriation.....\$	440
(15) FOR THE STATE PATROL	

Motor Vehicle Fund Appropriation.....\$	283,374
(16) FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....\$	1,998
(17) FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund-Electrical License Account Appropriation..\$	16,078
Accident Fund Appropriation.....\$	101,621
Medical Aid Fund Appropriation.....\$	116,931
(18) FOR THE DEPARTMENT OF MOTOR VEHICLES	
General Fund-Architects License Account Appropriation..\$	710
General Fund-Optometry Account Appropriation.....\$	237
General Fund-Professional Engineers Account Appropriation.....\$	1,657
General Fund-Real Estate Commission Account Appropriation.....\$	10,418
Highway Safety Fund Appropriation.....\$	110,581
Motor Vehicle Fund Appropriation.....\$	86,902
(19) FOR THE MILITARY DEPARTMENT	
Armory Fund Appropriation.....\$	1,590
(20) FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION	
General Fund-Traffic Safety Account Appropriation.....\$	3,646
(21) FOR THE TEACHERS' RETIREMENT SYSTEM	
Teachers' Retirement Fund Appropriation.....\$	8,590
(22) FOR THE HIGHER EDUCATION PERSONNEL BOARD	
Higher Education Personnel Board Service Fund Appropriation.....\$	3,619
(23) FOR THE DEPARTMENT OF HIGHWAYS	
Motor Vehicle Fund Appropriation.....\$	1,171,295
(24) FOR THE COUNTY ROAD ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....\$	860
(25) FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	
Motor Vehicle Fund Appropriation.....\$	1,885
(26) FOR THE DEPARTMENT OF ECOLOGY	
General Fund-Reclamation Revolving Account Appropriation.....\$	2,683
General Fund-Litter Control Account Appropriation.....\$	3,086
(27) FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
General Fund-Outdoor Recreation Account Appropriation..\$	4,477
(28) FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....\$	123,683

(29) FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund-Forest Development Account Appropriation..\$	21,220
General Fund-Resources Management Cost Account	
Appropriation.....\$	106,875
(30) FOR THE DEPARTMENT OF AGRICULTURE	
General Fund-Commercial Feed Account Appropriation.....\$	1,637
General Fund-Commission Merchants Account	
Appropriation.....\$	1,006
General Fund-Egg Inspection Account Appropriation.....\$	2,392
General Fund-Feeds and Fertilizer Account	
Appropriation.....\$	125
General Fund-Agriculture, Mineral and Lime Account	
Appropriation.....\$	1,636
General Fund-Nursery Inspection Account Appropriation..\$	1,384
General Fund-Seed Account Appropriation.....\$	3,147
Grain and Hay Inspection Fund Appropriation.....\$	26,181
(31) FOR THE EMPLOYMENT SECURITY DEPARTMENT	
Unemployment Compensation Administration Fund	
Appropriation.....\$	457,520
<u>NEW SECTION.</u> Sec. 3. FOR EXPO 74 COMMISSION	
General Fund Appropriation: For development and installation of exhibit, and presentation of exhibit during the period of the exposition.....\$	1,500,000
<u>NEW SECTION.</u> Sec. 4. FOR THE SECRETARY OF STATE	
General Fund Appropriation: For costs of initiatives and referendums, voter and candidate pamphlets for 1972 general election.....\$	440,015
<u>NEW SECTION.</u> Sec. 5. FOR THE STATE TREASURER-STATE REVENUES FOR DISTRIBUTION	
General Fund Appropriation: For adjustments in county prosecutor's salaries based upon 1970 census data.....\$	9,474
<u>NEW SECTION.</u> Sec. 6. FOR THE COURT ADMINISTRATOR	
General Fund Appropriation: For judges' retirement fund, additional contributions for pension payments in accordance with RCW 2.12.060.....\$	166,038
<u>NEW SECTION.</u> Sec. 7. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES	
General Fund Appropriation: To increase by 5 percent the standards of assistance, aid for the blind, and	

disability assistance used to determine amount of old age assistance grants from March 1, 1973 thru June 30, 1973: PROVIDED, That the funds herein appropriated are to be utilized for the purpose of providing a five percent cost of living increase for old age assistance, aid for the blind, and disability assistance categorical recipients insofar as the effects of cost of living increases have had a greater impact upon that category of recipients than upon any other category of recipients\$635,190

NEW SECTION. Sec. 8. FOR THE

WASHINGTON PUBLIC EMPLOYEES' SYSTEM

Retirement System Expense Fund Appropriation

for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System..... \$ 46,200

NEW SECTION. Sec. 9. FOR THE

SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: Being a reallocation

to the Superintendent of Public Instruction of a portion of the \$5,023,718 heretofore appropriated by section 76, page 1307, chapter 275, Laws of 1971 ex. session for distribution to counties for school districts: Handicapped Children - Excess costs: PROVIDED, That \$100,000 of this reallocation shall be utilized for providing education services to children in institutions who are not now receiving an educational program and the balance to be used by the Superintendent of Public Instruction for intensified training and planning for the implementation of chapter 66, Laws of 1971 ex. sess. (Engrossed House Bill 90)..... \$250,000

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 20, 1973.

Passed the House February 18, 1973.

Approved by the Governor February 20, 1973.

Filed in Office of Secretary of State February 21, 1973.

CHAPTER 9

[House Bill No. 195]

STATE BUILDING AUTHORITY--ABOLISHED--INDEBTEDNESS REFUNDED

AN ACT Relating to state government; amending section 1, chapter 154, Laws of 1971 ex. sess. and RCW 43.75.200; adding new sections to chapter 43.75 RCW; repealing section 1, chapter 162, Laws of 1967 and RCW 43.75.010; repealing section 2, chapter 162, Laws of 1967, section 1, chapter 261, Laws of 1969 ex. sess., section 1, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.020; repealing section 3, chapter 162, Laws of 1967, section 2, chapter 103, Laws of 1970 ex. sess., section 1, chapter 31, Laws of 1971, section 1, chapter 23, Laws of 1971 ex. sess. and RCW 43.75.030; repealing section 4, chapter 162, Laws of 1967, section 2, chapter 31, Laws of 1971 and RCW 43.75.040; repealing section 5, chapter 162, Laws of 1967, section 1, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.050; repealing section 6, chapter 162, Laws of 1967, section 2, chapter 27, Laws of 1969 ex. sess., section 3, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.060; repealing section 7, chapter 162, Laws of 1967, section 4, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.070; repealing section 8, chapter 162, Laws of 1967, section 5, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.080; repealing section 9, chapter 162, Laws of 1967, section 6, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.090; repealing section 10, chapter 162, Laws of 1967, section 7, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.100; repealing section 1, chapter 64, Laws of 1972 ex. sess. and RCW 43.75.105; repealing section 11, chapter 162, Laws of 1967 and RCW 43.75.110; repealing section 12, chapter 162, Laws of 1967, section 3, chapter 27, Laws of 1969 ex. sess., section 8, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.120; repealing section 13, chapter 162, Laws of 1967, section 9,

chapter 103, Laws of 1970 ex. sess. and RCW 43.75.130; repealing section 14, chapter 162, Laws of 1967, section 10, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.140; repealing section 15, chapter 162, Laws of 1967 and RCW 43.75.150; repealing section 16, chapter 162, Laws of 1967, section 11, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.160; repealing section 17, chapter 162, Laws of 1967 and RCW 43.75.170; repealing section 18, chapter 162, Laws of 1967 and RCW 43.75.180; repealing section 20, chapter 162, Laws of 1967 and RCW 43.75.190; repealing section 2, chapter 154, Laws of 1971 ex. sess. and RCW 43.75.210; and declaring an emergency.

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

Section 1. Section 1, chapter 154, Laws of 1971 ex. sess. and RCW 43.75.200 are each amended to read as follows:

The state finance committee shall issue general obligation bonds ((or bond anticipation notes in the amount necessary to fund or) of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to pay all costs incidental thereto and to the issuance of such bonds. ((The state finance committee shall by resolution determine the amount, date, form, terms, conditions, denominations, maximum interest rate, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, and covenants of such funding or refunding bonds or bond anticipation notes.)) Such ((funding or)) refunding bonds ((or bond anticipation notes)) shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session.

NEW SECTION. Sec. 2. There is added to chapter 43.75 RCW a new section to read as follows:

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

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. Such bonds shall be payable at such places as the committee may provide.

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 proceeds from the sale of bonds authorized by this 1973 amendatory act and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this 1973 amendatory act.

NEW SECTION. Sec. 3. There is added to chapter 43.75 RCW a new section to read as follows:

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 retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed by this section.

NEW SECTION. Sec. 4. There is added to chapter 43.75 RCW a new section to read as follows:

A building authority construction account is hereby created in the state treasury. All funds of the state building authority shall, on July 1, 1973, be transferred to such construction account. Moneys in such account shall be disbursed pursuant to appropriations: PROVIDED, That all moneys not appropriated prior to said date shall be deposited in the state building authority bond redemption fund.

NEW SECTION. Sec. 5. There is added to chapter 43.75 RCW a new section to read as follows:

The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to the effective date of this 1973 amendatory act, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid.

NEW SECTION. Sec. 6. There is added to chapter 43.75 RCW a new section to read as follows:

The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this 1973 amendatory act, and this 1973 amendatory act

shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 7. There is added to chapter 43.75 RCW a new section to read as follows:

The bonds authorized by this 1973 amendatory act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 162, Laws of 1967 and RCW 43.75.010;
- (2) Section 2, chapter 162, Laws of 1967, section 1, chapter 261, Laws of 1969 ex. sess., section 1, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.020;
- (3) Section 3, chapter 162, Laws of 1967, section 2, chapter 103, Laws of 1970 ex. sess., section 1, chapter 31, Laws of 1971, section 1, chapter 23; Laws of 1971 ex. sess. and RCW 43.75.030;
- (4) Section 4, chapter 162, Laws of 1967, section 2, chapter 31, Laws of 1971 and RCW 43.75.040;
- (5) Section 5, chapter 162, Laws of 1967, section 1, chapter 27, Laws of 1969 ex. sess. and RCW 43.75.050;
- (6) Section 6, chapter 162, Laws of 1967, section 2, chapter 27, Laws of 1969 ex. sess., section 3, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.060;
- (7) Section 7, chapter 162, Laws of 1967, section 4, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.070;
- (8) Section 8, chapter 162, Laws of 1967, section 5, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.080;
- (9) Section 9, chapter 162, Laws of 1967, section 6, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.090;
- (10) Section 10, chapter 162, Laws of 1967, section 7, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.100;
- (11) Section 1, chapter 64, Laws of 1972 ex. sess. and RCW 43.75.105;
- (12) Section 11, chapter 162, Laws of 1967 and RCW 43.75.110;
- (13) Section 12, chapter 162, Laws of 1967, section 3, chapter 27, Laws of 1969 ex. sess., section 8, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.120;
- (14) Section 13, chapter 162, Laws of 1967, section 9, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.130;
- (15) Section 14, chapter 162, Laws of 1967, section 10, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.140;
- (16) Section 15, chapter 162, Laws of 1967 and RCW 43.75.150;
- (17) Section 16, chapter 162, Laws of 1967, section 11, chapter 103, Laws of 1970 ex. sess. and RCW 43.75.160;
- (18) Section 17, chapter 162, Laws of 1967 and RCW 43.75.170;
- (19) Section 18, chapter 162, Laws of 1967 and RCW 43.75.180;

(20) Section 20, chapter 162, Laws of 1967 and RCW 43.75.190;
and

(21) Section 2, chapter 154, Laws of 1971 ex. sess. and RCW
43.75.210.

This section shall take effect on July 1, 1973.

NEW SECTION. Sec. 9. There is added to chapter 43.75 RCW a
new section to read as follows:

If any provision of this 1973 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. 10. There is added to chapter 43.75 RCW a
new section to read as follows:

This 1973 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
as otherwise specifically provided, shall take effect immediately.

Passed the House February 2, 1973.

Passed the Senate February 14, 1973.

Approved by the Governor February 21, 1973.

Filed in Office of Secretary of State February 21, 1973.

CHAPTER 10

[House Bill No. 18]

STATE TREASURER'S DEPUTIES--APPOINTMENT

AN ACT Relating to the state treasurer; amending section 43.08.120,
chapter 8, Laws of 1965 as amended by section 1, chapter 15,
Laws of 1971 and RCW 43.08.120.

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

Section 1. Section 43.08.120, chapter 8, Laws of 1965 as
amended by section 1, chapter 15, Laws of 1971 and RCW 43.08.120 are
each amended to read as follows:

The state treasurer may appoint an assistant state treasurer,
who shall have the power to perform any act or duty which may be
performed by the state treasurer, and in case of a vacancy in the
office of state treasurer, perform the duties of the office until the
vacancy is filled as provided by law.

The state treasurer may appoint ((a deputy state treasurer))
no more than three deputy state treasurers, who shall have the power
to perform any act or duty which may be performed by the state
treasurer.

The assistant state treasurer and the deputy state treasurers

shall be exempt from the provisions of chapter 41.06 RCW and shall hold office at the pleasure of the state treasurer ((and)); they shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurers.

Passed the House January 26, 1973.

Passed the Senate February 15, 1973.

Approved by the Governor February 23, 1973.

Filed in Office of Secretary of State February 23, 1973.

CHAPTER 11

[House Bill No. 238]

FRUIT COMMISSION DISTRICT NO. 2--BOUNDARY

AN ACT Relating to agriculture and marketing; and amending section 15.28.010, chapter 11, Laws of 1961 as amended by section 1, chapter 51, Laws of 1963 and RCW 15.28.010.

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

Section 1. Section 15.28.010, chapter 11, Laws of 1961 as amended by section 1, chapter 51, Laws of 1963 and RCW 15.28.010 are each amended to read as follows:

As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches. "Bartlett pears" means and includes all standard Bartlett pears and all varieties,

strains, subvarieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.

(7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."

(8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;

(9) "Producer" means any person who is a grower of any soft tree fruit;

(10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, and Benton(~~Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams~~) county north of the Yakima river;

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

Passed the House January 31, 1973.

Passed the Senate February 15, 1973.

Approved by the Governor February 23, 1973.

Filed in Office of Secretary of State February 23, 1973.

CHAPTER 12

[Senate Bill No. 2079]

PRINTING AND DUPLICATING--MICROFILMING REQUIREMENT--AGENCY COMPLIANCE

AN ACT Relating to the state printing and duplicating committee; and amending sections 43.77.020 and 43.77.030, chapter 8, Laws of 1965 and RCW 43.77.020 and 43.77.030.

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

Section 1. Section 43.77.020, chapter 8, Laws of 1965 and RCW 43.77.020 are each amended to read as follows:

The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters(~~direct copy~~) or mimeograph machines, by any official or agency of the state. Whenever the director of general administration determines that any

official or agency has not substantially complied with the provisions of chapters 40.10 and 40.14 RCW, he shall refer to the committee for approval or other action, requests received by his agency for the purchase or acquisition of files and filing equipment from the requesting official or agency.

Sec. 2. Section 43.77.030, chapter 8, Laws of 1965 and RCW 43.77.030 are each amended to read as follows:

Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing, microfilm, or other duplicating equipment, other than typewriters((, direct copy)) or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire.

Passed the Senate January 23, 1973.

Passed the House February 13, 1973.

Approved by the Governor February 23, 1973.

Filed in Office of Secretary of State February 23, 1973.

CHAPTER 13

[Senate Bill No. 2089]

STATE FORMS MANAGEMENT--PROGRAM--CENTER--CREATED

AN ACT Relating to state government; providing for a state-wide forms management program within the department of general administration; prescribing powers, duties and responsibilities; and adding a new section to chapter 43.19 RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.19 RCW a new section to read as follows:

The director of the department of general administration shall establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation and maintenance of a state-wide forms management program.

The director of general administration, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies, and educational institutions and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms;

(3) Provide assistance to state agencies and educational institutions for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms;

(4) Provide assistance, training and instruction in forms management techniques to state agencies and educational institutions forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;

(5) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of forms usage and availability information;

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and work directly with the public printer toward more efficient, economical and timely procurement, receipt, storage and distribution of state forms;

(7) Coordinate the forms management program with the existing state archives and records management program to insure timely disposition of outdated forms and related records;

(8) Conduct periodic evaluation of the effectiveness of the overall forms management program and the forms management practices of the individual state educational institutions and state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management;

(9) Enter into agreements which delegate implementing action to state agencies or educational institutions where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this section; and

(10) Develop and promulgate rules and standards to implement the overall purposes of this section.

All educational institutions and agencies of the state shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state educational institution and agency shall appoint a forms management representative.

Passed the Senate January 22, 1973.

Passed the House February 13, 1973.

Approved by the Governor February 23, 1973.

Filed in Office of Secretary of State February 23, 1973.

CHAPTER 14
[Senate Bill No. 2048]
COURT RECORDS--DESTRUCTION PERIOD

AN ACT Relating to duties of county clerks; amending section 36.23.065, chapter 4, Laws of 1963 as amended by section 1, chapter 29, Laws of 1971 and RCW 36.23.065; and amending section 36.23.070, chapter 4, Laws of 1963 as amended by section 3, chapter 34, Laws of 1967 ex. sess. and RCW 36.23.070.

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

Section 1. Section 36.23.065, chapter 4, Laws of 1963 as amended by section 1, chapter 29, Laws of 1971 and RCW 36.23.065 are each amended to read as follows:

Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

(1) ((Seven)) Six years have elapsed since the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court.

(2) The county clerk maintains for the use of the public a photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed: PROVIDED, That all receipts and canceled checks filed by a personal representative pursuant to RCW 11.76.100 and complying with condition (1) above, may be removed from the file by order of the court and destroyed the same as an exhibit pursuant to RCW 36.23.070.

(3) At the time of the taking of said photographic film, microphotographic, photostatic or similar reproduction, the county clerk or other person under whose direction and control the same was taken, attached thereto, or to the sealed container in which the same was placed and has been kept, or incorporated in said photographic film, microphotographic, photostatic or similar reproduction, a certification that the copy is a correct copy of the original, or of a specified part thereof, as the case may be, the date on which taken, and the fact it was taken under his direction and control. The certificate must be under the official seal of the certifying officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

(4) The county clerk promptly seals and stores at least one original negative of each such photographic film, microphotographic, photostatic or similar reproduction in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

Sec. 2. Section 36.23.070, chapter 4, Laws of 1963 as amended by section 3, chapter 34, Laws of 1967 ex. sess. and RCW 36.23.070 are each amended to read as follows:

A county clerk may at any time more than ((seven)) six years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, destroy any exhibits, unopened depositions and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years: PROVIDED FURTHER, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

Passed the Senate January 22, 1973.

Passed the House February 27, 1973.

Approved by Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 15

[Senate Bill No. 2056]

FOR HIRE VEHICLES--MINIMUM INSURANCE REQUIREMENTS

AN ACT Relating to vehicles for hire; amending section 46.72.040, chapter 12, Laws of 1961 as amended by section 82, chapter 32, Laws of 1967 and RCW 46.72.040; and amending section 46.72.050, chapter 12, Laws of 1961 as amended by section 83, chapter 32, Laws of 1967 and RCW 46.72.050.

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

Section 1. Section 46.72.040, chapter 12, Laws of 1961 as amended by section 82, chapter 32, Laws of 1967 and RCW 46.72.040 are each amended to read as follows:

Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and ((ten)) three hundred thousand dollars for all persons killed or receiving personal injury

by reason of one act of negligence, and ((one)) twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

Sec. 2. Section 46.72.050, chapter 12, Laws of 1961 as amended by section 83, chapter 32, Laws of 1967 and RCW 46.72.050 are each amended to read as follows:

In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond, specified under the provisions of section 1 of this 1973 amendatory act. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

Passed the Senate February 19, 1973.

Passed the House February 27, 1973.

Approved by Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 16

[Senate Bill No. 2080]

COURT FEES--CRIMINAL CASES

AN ACT Relating to fees of clerks of the superior courts; and amending section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter [38] (HB[308]), Laws of 1973 and RCW 36.18.020.

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

Section 1. Section 36.18.020, chapter 4, Laws of 1963, as

last amended by section 1, chapter (HB ...), Laws of 1973 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of thirty-two dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of thirty-two dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors. In the event that the case is settled out of court and the court is notified not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or ~~a part of~~ any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two

dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of thirty-two dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of thirty-two dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of ~~((twenty-five))~~ thirty-two dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

Passed the Senate January 25, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 17

[Senate Bill No. 2081]

UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS

AN ACT Relating to the uniform management of institutional funds; adding a new chapter to Title 24 RCW.

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

NEW SECTION. Section 1. DEFINITIONS. As used in this chapter:

(1) "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes or a governmental organization to the extent that it holds funds

exclusively for any of these purposes;

(2) "Institutional fund" means a fund held by an institution for its exclusive use, benefit or purposes, but does not include (a) a fund held for an institution by a trustee which is not an institution, or (b) a fund in which a beneficiary which is not an institution has an interest other than possible rights which could arise upon violation or failure of the purposes of the fund;

(3) "Endowment fund" means an institutional fund, or any part thereof, which is not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

(4) "Governing board" means the body responsible for the management of an institution or of an institutional fund;

(5) "Historic dollar value" means the fair value in dollars of an endowment fund at the time it first became an endowment fund, plus the fair value in dollars of each subsequent donation to the fund at the time it is made, plus the fair value in dollars of each accumulation made pursuant to a direction in the applicable gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive;

(6) "Gift instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund.

NEW SECTION. Sec. 2. APPROPRIATION OF APPRECIATION. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the standard established by section 5 of this act. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the character of an institution.

NEW SECTION. Sec. 3. INVESTMENT AUTHORITY. In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary is authorized to make, the governing board (subject to any specific limitations set forth in the applicable gift instrument or in applicable law other than law relating to investments a fiduciary is authorized to make) may:

(1) Invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks and bonds, debentures, and other securities of profit or nonprofit

corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof;

(2) Retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

(3) Include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(4) Invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board.

NEW SECTION. Sec. 4. DELEGATION OF INVESTMENT MANAGEMENT. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may:

(1) Delegate to its committees, to officers or employees of the institution or the fund, or to agents (including investment counsel) the authority to act in place of the board in investment and reinvestment of institutional funds;

(2) Contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act; and

(3) Authorize the payment of compensation for investment advisory or management services.

NEW SECTION. Sec. 5. STANDARD OF CONDUCT. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision, and in so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions.

NEW SECTION. Sec. 6. RELEASE OF RESTRICTIONS ON USE OR INVESTMENTS. (1) A restriction on the use or investment of an institutional fund imposed by the applicable gift instrument may be released, entirely or in part, by the governing board with the written consent of the donor.

(2) If consent of the donor cannot be obtained by reason of the death, disability or unavailability, or impossibility of identification of the donor, upon application of the governing board,

a restriction on the use or investment of an institutional fund imposed by the applicable gift instrument may be released, entirely or in part, by order of the superior court after reasonable notice to the attorney general and an opportunity for him to be heard, and upon a finding that the restriction on the use or investment of the fund is obsolete, inappropriate or impracticable. A release under this subsection may not change an endowment fund to a fund which is not an endowment fund.

(3) A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

(4) The provisions of this section do not limit the application of the doctrine of cy pres.

NEW SECTION. Sec. 7. SEVERABILITY. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 8. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

NEW SECTION. Sec. 9. SHORT TITLE. This chapter may be cited as the "Uniform Management of Institutional Funds Act".

NEW SECTION. Sec. 10. Section headings as used in this chapter do not constitute any part of the law.

NEW SECTION. Sec. 11. Sections 1 through 11 of this act shall constitute a new chapter in Title 24 RCW.

Passed the Senate February 16, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 18

[Senate Bill No. 2082]

JUDICIAL COUNCIL--MEMBERSHIP--COUNTY CLERK INCLUSION

AN ACT Relating to the judicial council; and amending section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 40, Laws of 1971 and RCW 2.52.010.

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

Section 1. Section 1, chapter 45, Laws of 1925 ex. sess. as

last amended by section 1, chapter 40, Laws of 1971 and RCW 2.52.010 are each amended to read as follows:

There is hereby established a judicial council which shall consist of the following:

(1) The chief justice and one other judge of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the court of appeals, to be selected and appointed by the three chief judges of the three divisions thereof;

(3) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

(4) Three members of the state senate, no more than two of whom shall be members of the same political party, one of whom will be the chairman of the senate judiciary committee and the other two to be designated by the chairman; three members of the state house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairman of the house judiciary committee and the other two to be designated by the chairman; unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member and they shall designate the third house member;

(5) The dean of each recognized school of law within this state;

(6) Five members of the bar who are practicing law and at least one of whom is a prosecuting attorney, three to be appointed by the chief justice of the supreme court with the advise and consent of the other judges of the court, and two to be appointed by the board of governors of the Washington state bar association from a list of nominees submitted by the legislative committee of the Washington state bar association;

(7) The attorney general; ((and))

(8) Two judges from the courts of limited jurisdiction chosen by the Washington state magistrates' association ;and

(9) A county clerk to be selected and appointed by the Washington state association of county clerks.

Passed the Senate January 24, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 19

[Senate Bill No. 2100]

CONSOLIDATED SCHOOL DISTRICTS--DIRECTOR ELECTION

AN ACT Relating to an increase in the number of school directors in consolidated school districts; and amending section 5, chapter 67, Laws of 1971 and RCW 28A.57.357.

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

Section 1. Section 5, chapter 67, Laws of 1971 and RCW 28A.57.357 are each amended to read as follows:

Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

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 (~~confirmed~~) conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. (~~At such election other than districts electing directors for six-year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years.~~) At such election for districts electing directors for six years other than districts having an enrollment of seventy thousand pupils or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be,

one for a term of two years, two for a term of four years, and two for a term of six years.

Passed the Senate January 30, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 20

[Senate Bill No. 2125]

PRISONER FURLOUGH-STANDARDS

AN ACT Relating to furloughs for prisoners; amending section 10, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.745; amending section 2, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.010; adding new sections to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW; repealing section 3, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.020; repealing section 4, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.030; and repealing section 5, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.040.

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

Section 1. Section 10, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.745 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in ((REW 72.66.020)) section 3 of this 1973 amendatory act the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of furlough information pursuant to the provisions of this subsection the section shall notify the

sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of social and health services shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state.

Sec. 2. Section 2, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.010 are each amended to read as follows:

As used in this chapter the following ((terms)) words shall have the following meanings:

(1) "Department" means the department of social and health services.

(2) "Furlough" means an authorized leave of absence for an eligible resident, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or

corrections official while on such leave.

(3) "Emergency furlough" means a specially expedited furlough granted to a resident to enable him to meet an emergency situation, such as the death or critical illness of a member of his family.

(4) "Resident" means a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(5) "Secretary" means the secretary of the department of social and health services, or his designee or designees.

NEW SECTION. Sec. 3. The secretary may grant a furlough but only if not precluded from doing so under sections 4, 5, 6, 8, 12, or 13 of this 1973 amendatory act.

NEW SECTION. Sec. 4. A resident may apply for a furlough if he is not precluded from doing so under this section. A resident shall be ineligible to apply for a furlough if:

(1) He is not classified by the secretary as eligible for or on minimum security status; or

(2) His minimum term of imprisonment has not been set; or

(3) He has a valid detainer pending and the agency holding the detainer has not provided written approval for him to be placed on a furlough-eligible status. Such written approval may include either specific approval for a particular resident or general approval for a class or group of residents.

NEW SECTION. Sec. 5. A furlough shall not be granted to a resident if the furlough would commence prior to the time the resident has served the minimum amounts of time provided under this section:

(1) If his minimum term of imprisonment is longer than twelve months, he shall have served at least six months of the term;

(2) If his minimum term of imprisonment is less than twelve months, he shall have served at least ninety days and shall have no longer than six months left to serve on his minimum term;

(3) If he is serving a mandatory minimum term of confinement, he shall have served all but the last six months of such term.

NEW SECTION. Sec. 6. A furlough may only be granted to enable the resident:

(1) To meet an emergency situation, such as death or critical illness of a member of his family;

(2) To obtain medical care not available in a facility maintained by the department;

(3) To seek employment or training opportunities, but only when:

(a) There are scheduled specific work interviews to take place during the furlough;

(b) The resident has been approved for work or training release but his work or training placement has not occurred or been concluded; or

(c) When necessary for the resident to prepare a parole plan for a parole meeting scheduled to take place within one hundred and twenty days of the commencement of the furlough;

(4) To make residential plans for parole which require his personal appearance in the community;

(5) To care for business affairs in person when the inability to do so could deplete the assets or resources of the resident so seriously as to affect his family or his future economic security;

(6) To visit his family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration; or

(7) For any other purpose deemed to be consistent with plans for rehabilitation of the resident.

NEW SECTION. Sec. 7. Each resident applying for a furlough shall include in his application for the furlough:

(1) A furlough plan which shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and their relationships to the applicant;

(2) A statement from the applicant's proposed sponsor that he agrees to undertake the responsibilities provided in section 8 of this 1973 amendatory act; and

(3) Such other information as the secretary shall require in order to protect the public or further the rehabilitation of the applicant.

NEW SECTION. Sec. 8. No furlough shall be granted unless the applicant for the furlough has procured a person to act as his sponsor. No person shall qualify as a sponsor unless he satisfies the secretary that he knows the applicant's furlough plan, is familiar with the furlough conditions prescribed pursuant to section 9 of this 1973 amendatory act, and submits a statement that he agrees to:

(1) See to it that the furloughed person is provided with appropriate living quarters for the duration of the furlough;

(2) Notify the secretary immediately if the furloughed person does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his ability to function appropriately;

(3) Assist the furloughed person in other appropriate ways, such as discussing problems and providing transportation to job interviews; and

(4) Take reasonable measures to assist the resident to return from furlough.

NEW SECTION. Sec. 9. The terms and conditions prescribed under this section shall apply to each furlough, and each resident granted a furlough shall agree to abide by them.

(1) The furloughed person shall abide by the terms of his furlough plan.

(2) Upon arrival at the destination indicated in his furlough plan, the furloughed person shall, when so required, report to a state probation and parole officer in accordance with instructions given by the secretary prior to release on furlough. He shall report as frequently as may be required by the state probation and parole officer.

(3) The furloughed person shall abide by all local, state and federal laws.

(4) With approval of the state probation and parole officer designated by the secretary, the furloughed person may accept temporary employment during a period of furlough.

(5) The furloughed person shall not leave the state at any time while on furlough.

(6) Other limitations on movement within the state may be imposed as a condition of furlough.

(7) The furloughed person shall not, in any public place, drink intoxicating beverages or be in an intoxicated condition. A furloughed person shall not enter any tavern, bar, or cocktail lounge.

(8) A furloughed person who drives a motor vehicle shall:

(a) have a valid Washington driver's license in his possession,

(b) have the owner's written permission to drive any vehicle not his own or his spouse's,

(c) have at least minimum personal injury and property damage liability coverage on the vehicle he is driving, and

(d) observe all traffic laws.

(9) Each furloughed person shall carry with him at all times while on furlough a copy of his furlough order prescribed pursuant to section 10 of this 1973 amendatory act and a copy of the identification card issued to him pursuant to section 11 of this 1973 amendatory act.

(10) The furloughed person shall comply with any other terms or conditions which the secretary may prescribe.

NEW SECTION. Sec. 10. Whenever the secretary grants a furlough, he shall do so by a special order which order shall contain each condition and term of furlough prescribed pursuant to section 9 of this 1973 amendatory act and each additional condition and term

which the secretary may prescribe as being appropriate for the particular person to be furloughed.

NEW SECTION. Sec. 11. The secretary shall issue a furlough identification card to each resident granted a furlough. The card shall contain the name of the resident and shall disclose the fact that he has been granted a furlough and the time period covered by the furlough.

NEW SECTION. Sec. 12. Prior to the granting of any furlough, the secretary shall examine the applicant's personality and past conduct and determine whether or not he represents a satisfactory risk for furlough. The secretary shall not grant a furlough to any person whom he believes represents an unsatisfactory risk.

NEW SECTION. Sec. 13. (1) The furlough or furloughs granted to any one resident may not exceed thirty consecutive days or a total of sixty days during any twelve-month period.

(2) Absent unusual circumstances, each first furlough and each second furlough granted to a resident shall not exceed a period of five days and each emergency furlough shall not exceed forty-eight hours plus travel time.

(3) A furlough may be extended within the maximum time periods prescribed under this section.

NEW SECTION. Sec. 14. Any employee of the department having knowledge of a furlough infraction shall report the facts to the secretary. Upon verification, the secretary shall cause the custody of the furloughed person to be regained, and for this purpose may cause a warrant to be issued.

NEW SECTION. Sec. 15. In the event of an emergency furlough, the secretary may waive all or any portion of sections 4(2), 5, 7, 8, and 9 of this 1973 amendatory act.

NEW SECTION. Sec. 16. Any proceeding involving an application for a furlough shall not be deemed a "contested case" under the provisions of chapter 34.04 RCW, the Administrative Procedure Act.

NEW SECTION. Sec. 17. The provisions of this 1973 amendatory act shall not affect the validity of any rule or regulation adopted prior to the effective date of this 1973 amendatory act, if such rule or regulation is not in conflict with any provision of this 1973 amendatory act.

NEW SECTION. Sec. 18. Sections 3 through 16 of this 1973 amendatory act shall be added to chapter 58, Laws of 1971 ex. sess. and to chapter 72.66 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.020;

(2) Section 4, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.030; and

(3) Section 5, chapter 58, Laws of 1971 ex. sess. and RCW 72.66.040.

Passed the Senate February 13, 1973.

Passed the House February 26, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 21

[Engrossed Senate Bill No. 2240]

INTERSTATE PAROLE AND PROBATION HEARING PROCEDURES

AN ACT Relating to interstate parole and probation hearing procedures; adding a new chapter to Title 9 RCW; and declaring an effective date.

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

NEW SECTION. Section 1. There is added to Title 9 RCW a new chapter to read as set forth in sections 2 through 6 of this act.

NEW SECTION. Sec. 2. Where supervision of a parolee or probationer is being administered by this state pursuant to RCW 9.95.270, the interstate compact for the out-of-state supervision of parolees and probationers, the appropriate interstate compact administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing at or near the site of the alleged violation shall be held in accordance with this act within a reasonable time, unless such hearing is waived by the parolee or probationer. The purpose of such hearing shall be to determine whether there is probable cause to believe that the parolee or probationer has committed a violation of a condition of parole or probation, and if so, whether or not there is reason to believe that the violation or violations are of such a nature that revocation of parole or probation should be considered. The appropriate officer or officers of this state shall, as soon as practicable following termination of any such hearing, report, through the interstate compact administrator's office, to the sending state, furnish a copy of the summary and digest of the hearing, and may, in addition, make recommendations, with reasons, regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this

state may take custody of and detain the parolee or probationer involved for a period not to exceed ten days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

NEW SECTION. Sec. 3. Any hearing pursuant to this chapter may be before the administrator of the interstate compact for the out-of-state supervision of parolees and probationers, a deputy of such administrator, or any other person or persons authorized pursuant to the laws of this state to hold preliminary hearings or hear cases involving alleged parole or probation violation, except that no hearing officer shall be the person or direct supervisor of the person making the allegation of violation.

NEW SECTION. Sec. 4. With respect to any hearing pursuant to this chapter, the parolee or probationer:

(1) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation of a condition of parole or probation, and if so, whether or not there is reason to believe that the violation or violations are of such a nature that revocation of parole or probation should be considered.

(2) Shall be permitted to consult with any persons whose assistance he reasonably desires, prior to the hearing.

(3) Shall have the right to confront and examine any persons who have made allegations or given evidence against him, unless the hearing officer determines, on a reasonable basis, that such confrontation would present a substantial present or subsequent danger of harm to such person or persons in which case a written general summary of the evidence, without disclosure of the identity of the witness, shall be provided to the parolee or probationer who shall have the opportunity to present evidence relevant to or controverting any information contained in the summary.

(4) May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made, and preserved for no less than ninety days.

NEW SECTION. Sec. 5. In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the out-of-state supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation, which hearing shall be substantially similar to the hearing required by section 4 of this

act. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this act, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers of this state. Should any recommendations be contained in or accompany the record, such recommendations shall be considered by the appropriate officer or officers of this state in making disposition of the matter.

NEW SECTION. Sec. 6. This act shall take effect on July 1, 1973.

Passed the Senate February 15, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 22

[Engrossed Senate Bill No. 2282]

LEGAL PROCEEDINGS--INTERPRETERS--IMPAIRED PERSONS

AN ACT Relating to appointed interpreters in legal proceedings; and adding a new chapter to Title 2 RCW.

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

NEW SECTION. Section 1. It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech are unable to readily understand or communicate spoken language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

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

NEW SECTION. Sec. 2. As used in this chapter (1) an "impaired person" is any person involved in a legal proceeding who is deaf, deaf mute, or who, because of other hearing or speech defects, cannot readily understand or communicate spoken language and who, when involved as a party to a legal proceeding, is unable by reason of such defects to obtain due process of law; (2) a "qualified interpreter" is one who is able readily to translate spoken English to and for impaired persons and to translate statements of impaired persons into spoken English; (3) "legal proceeding" is a proceeding in any court in this state, at grand jury hearings or hearings before an inquiry judge, or before administrative boards, commissions, agencies, or licensing bodies of the state or any political

subdivision thereof.

NEW SECTION. Sec. 3. When an impaired person is a party to any legal proceeding or a witness therein the judge, magistrate, or other presiding official shall, in the absence of a written waiver by the impaired person, appoint a qualified interpreter to assist the impaired person throughout the proceedings.

NEW SECTION. Sec. 4. Interpreters appointed pursuant to this chapter shall be adequately compensated for their services and shall be reimbursed for actual expenses as hereinafter provided:

(1) In criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the proceedings.

(2) In other legal proceedings the cost of providing the interpreter shall be borne by the impaired person unless the impaired person is indigent, pursuant to adopted standards of the body, and thus unable to pay for the interpreter, in which case the cost shall be borne as an administrative cost of the governmental body under the authority of which the proceeding is conducted.

(3) The cost of providing the interpreter may be a taxable cost of any proceeding in which costs are ordinarily taxed.

NEW SECTION. Sec. 5. Every qualified interpreter appointed pursuant to this chapter shall, before entering upon his duties as such, take an oath that he will make a true interpretation to the person being examined of all the proceedings in a language which said person understands, and that he will repeat the statements of said person to the court or other agency conducting the proceedings, in the English language, to the best of his skill and judgment.

NEW SECTION. Sec. 6. There is added to Title 2 RCW a new chapter as set forth in sections 1 through 5 of this 1973 act.

Passed the Senate February 13, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 23

[Engrossed Senate Bill No. 2358]

SCHOOL RETIREMENT SYSTEM--12 MONTH COMPUTATION BASIS

AN ACT Relating to the public employees' retirement system; and adding a new section to chapter 41.40 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.40 RCW a new section to read as follows:

Notwithstanding any other law, or rule or regulation of the retirement board, contributions to the retirement system relating to any classified employee of a school district actually employed by the district on a continuous nine month basis shall be pro-rated on a twelve month basis and counted in the computation of any retirement allowance or other benefits provided for in this chapter as for twelve months of service.

Passed the Senate February 18, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 24

[Substitute Senate Bill No. 2362]

SEWER--WATER DISTRICT EMPLOYEES--LIFE INSURANCE

AN ACT Relating to special districts; amending section 1, chapter 261, Laws of 1961 and RCW 56.08.100; and amending section 2, chapter 261, Laws of 1961 and RCW 57.08.100.

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

Section 1. Section 1, chapter 261, Laws of 1961 and RCW 56.08.100 are each amended to read as follows:

A sewer district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance(~~(7 other than)~~) and/or term life insurance, for the benefit of its employees and may pay all or any part of the cost thereof: PROVIDED, That term life insurance shall be limited to a five thousand dollar coverage or ten thousand dollars for double indemnity benefits. Any two or more sewer districts or one or more sewer districts and one or more water districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance(~~(7 other than)~~) and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Sec. 2. Section 2, chapter 261, Laws of 1961 and RCW 57.08.100 are each amended to read as follows:

A water district, by a majority vote of its board of commissioners, may enter into contracts to provide health care services and/or group insurance(~~(7 other than)~~) and/or term life

insurance, for the benefit of its employees and may pay all or any part of the cost thereof: PROVIDED, That term life insurance shall be limited to five thousand dollars coverage or ten thousand dollars for a double indemnity death benefit. Any two or more water districts or any one or more water districts and one or more sewer districts, by a majority vote of their respective boards of commissioners, may, if deemed expedient, join in the procuring of such health care services and/or group insurance (~~or other than~~) and/or term life insurance, and the board of commissioners of each participating sewer and/or water district may by appropriate resolution authorize their respective district to pay all or any portion of the cost thereof.

Passed the Senate February 14, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 25

[Senate Bill No. 2588]

ESCHEAT RECORDS--PUBLIC INSPECTION

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:

All records of the department of revenue relating to escheated property or property about to escheat shall be a public record and shall be made available by the department of revenue for public inspection. Without limitation, the records to be made public shall include all available information regarding possible heirs, descriptions and amounts of property escheated or about to escheat, and any information which might serve to identify the proper heirs.

Passed the Senate February 19, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 26

[Substitute Senate Bill No. 2784]

MASON COUNTY--STATE LAND EXCHANGE

AN ACT Relating to the exchange and transfer of certain lands under the jurisdiction of the department of natural resources; and creating a new section.

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

NEW SECTION. Section 1. To assist Mason county in acquiring property in section 32, township 21 north, range 3 west, W.M., for county purposes, the department of natural resources is authorized, with the advice and approval of the state board of natural resources, to exchange any lands acquired pursuant to RCW 76.12.030 located in Mason county for lands of equal value owned either by the county or privately: PROVIDED, That all such transfers shall be reported to the legislative budget committee. In the event of such exchange the lands acquired by the state shall be held and administered in the same manner as were the lands exchanged therefor.

Passed the Senate February 19, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 27

[House Bill No. 21]

STATE TREASURER'S SERVICE FUND

AN ACT Relating to the state treasurer; creating a "state treasurer's service fund"; amending section 2, chapter 72, Laws of 1971 ex. sess. and RCW 43.85.241; adding new sections to chapter 43.08 RCW.

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

Section 1. Section 2, chapter 72, Laws of 1971 ex. sess. and RCW 43.85.241 are each amended to read as follows:

On or before July 20 of (~~1974~~ and annually thereafter) each year, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30, which fund is hereby reestablished. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected; PROVIDED, That interest earned on the balances of the forest reserve fund, the liquor excise tax fund, the

tort claims revolving fund, the deposit interest fund, the suspense fund, the undistributed receipts fund, the state payroll revolving fund, the agency payroll revolving fund, the agency vendor payment revolving fund, and the local sales and use tax revolving fund shall be credited to the state treasurer's service fund.

NEW SECTION. Sec. 2. There is added to chapter 43.08 RCW a new section to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

NEW SECTION. Sec. 3. There is added to chapter 43.08 RCW a new section to read as follows:

All moneys deposited in the state treasurer's service fund shall be expended only pursuant to legislative appropriation and for the purposes set forth in this 1973 amendatory act.

Passed the House January 31, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 28

[House Bill No. 41]

MISSING SHAREHOLDERS--MEETING NOTICE REQUIREMENTS

AN ACT Relating to corporations; and amending section 5, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.305.

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

Section 1. Section 5, chapter 58, Laws of 1969 ex. sess. and RCW 23A.08.305 are each amended to read as follows:

Upon a showing to the superior court of the county in which the registered office of a corporation is situated that:

(1) The addresses of the shareholders of record are lost, destroyed, incomplete or inadequate, and

(2) Notice of a meeting of shareholders for a purpose requiring the affirmative vote of the holders of two-thirds of any class of shares has been given in the manner required by law as nearly as may be done and has been published in a legal newspaper in Thurston county and in the county in which the registered office of the corporation is situated not less than ten nor more than fifty days before the date of the meeting, the court shall appoint a disinterested person to represent the missing shareholders of record at the meeting and to report his findings to the court which findings

may include comments upon the showing made to the court as hereinabove provided. The court shall then approve any action taken at the meeting by the shareholders present in person or by proxy if the court is satisfied that it is in the best interests of the missing shareholders, and such approval shall have the same force and effect as an affirmative vote at the meeting by the missing shareholders. Said disinterested person shall receive reasonable compensation for his services from the corporation, to be fixed by the court.

(3) Published notice given under subsection (2) of this section shall state that:

(a) shareholders who have not received notice by mail will be treated as missing shareholders; and

(b) if the missing shareholders fail to appear at the shareholders' meeting, the court will appoint a person to vote their shares.

Passed the House January 26, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 29
[House Bill No. 47]
FILIAL PROCEEDINGS--AGE LIMIT EXTENDED

AN ACT Relating to filial proceedings; amending section 9, chapter 203, Laws of 1919 and RCW 26.24.090.

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

Section 1. Section 9, chapter 203, Laws of 1919 and RCW 26.24.090 are each amended to read as follows:

In the event the issue be found against the accused, or whenever he shall, in open court, have confessed the truth of the accusation against him, he shall be charged by the order and judgment of the court to pay a sum to be therein specified, during each year of the life of such child, until such child shall have reached the age of ((~~sixteen~~)) eighteen years, for the care, education and support of such child, and shall also be charged thereby to pay the expenses of the mother incurred during her sickness and confinement, together with all costs of the suit, for which costs execution shall issue as in other cases. And the accused shall be required by said court to give bond, with sufficient surety, to be approved by the judge of said court, for the payment of such sums of money as shall be so ordered by said court. Said bond shall be made payable to the

people of the state of Washington, and conditioned for the true and faithful payment of such yearly sums, in equal quarterly installments, to the clerk of said court, which said bond shall be filed and preserved by the clerk of said court.

Passed the House January 26, 1973.

Passed the Senate February 26, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 30

[House Bill No. 89]

ASBESTOS SAFETY REGULATION

AN ACT Relating to the utilization of asbestos in the construction trades; adding a new chapter to Title 49 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. Air-borne asbestos dust and particles, such as those from sprayed asbestos slurry, asbestos-coated ventilating ducts, and certain other applications of asbestos are known to produce irreversible lung damage and bronchogenic carcinoma. One American of every four dying in urban areas of the United States has asbestos particles or dust in his lungs. The nature of this problem is such as to constitute a hazard to the public health and safety, and should be brought under appropriate regulation.

NEW SECTION. Sec. 2. Standards regulating the use of asbestos in construction or manufacturing shall be established by the director of the department of labor and industries, with the advice of the state health officer and the department of ecology. Standards to be adopted shall describe the types of asbestos that may be used in construction and manufacturing, the methods and procedures for their use, and such other requirements as may be needed to protect the public health and safety with respect to air-borne asbestos particles and asbestos dust.

NEW SECTION. Sec. 3. Products containing asbestos shall be stored in containers of types approved by the director of the department of labor and industries, with the advice of the state health officer and the department of ecology. Containers of asbestos shall be plainly marked "Asbestos--do not inhale" or other words to the same effect.

NEW SECTION. Sec. 4. The asbestos use standards required under section 2 of this 1973 act and the list of approved container

types required under section 3 of this 1973 act shall be adopted as regulations of the department of labor and industries. The department shall have the power to implement and enforce such regulations.

NEW SECTION. Sec. 5. If any provision of this 1973 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. 6. Sections 1 through 5 of this 1973 act shall constitute a new chapter in Title 49 RCW.

Passed the House February 19, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 31

[House Bill No. 109]

CATTLE BREED NAME--USE IN TRADE--MILK SOLIDS EXEMPTIONS

AN ACT Relating to dairies and dairy products; and amending section 15.32.430, chapter 11, Laws of 1961 and RCW 15.32.430.

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

Section 1. Section 15.32.430, chapter 11, Laws of 1961 and RCW 15.32.430 are each amended to read as follows:

No person shall without permission, use in his corporate, firm, or trade name, brand, or advertising, the name of any breed of dairy cattle unless the milk sold, offered for sale, or advertised, is produced entirely from a herd, each cow of which possesses more than fifty percent of the blood of the breed of cattle so named; PROVIDED, That milk solids, as defined by the department of agriculture, added to nonfat milk, skim milk, and low-fat milk as defined by the department of agriculture shall not be subject to such breed requirements.

Any person desiring to use the name of a breed of dairy cattle in connection with the sale of his milk shall make application to the supervisor so to do, and upon a sufficient showing the supervisor may grant permission.

Any person violating this section shall be punished by a fine of not less than twenty-five dollars for the first offense and not less than fifty nor more than one hundred dollars for each subsequent offense.

Passed the House January 31, 1973.

Passed the Senate February 26, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 32

[House Bill No. 117]

SCHOOL HOLIDAYS

AN ACT Relating to school holidays, including programs suitable thereto; amending section 13, chapter 283, Laws of 1969 ex. sess. and RCW 28A.02.061; repealing section 28A.02.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.02.060; and repealing section 101, chapter 176, Laws of 1969 1st ex. sess. and RCW 28A.02.070.

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

Section 1. Section 13, chapter 283, Laws of 1969 ex. sess. and RCW 28A.02.061 are each amended to read as follows:

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 4, 1974.))

NEW SECTION. Sec. 2. The following acts or parts of acts are hereby repealed:

(1) Section 28A.02.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.02.060; and

(2) Section 101, chapter 176, Laws of 1969 1st ex. sess. and

RCW 28A.02.070.

Passed the House January 26, 1973.

Passed the Senate February 23, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 33
[House Bill No. 153]
SESSION LAWS DISTRIBUTION--LAW SCHOOLS--

AN ACT Relating to public documents; amending section 4, chapter 150, Laws of 1941 as amended by section 8, chapter 6, Laws of 1969 and RCW 40.04.040; amending section 5, chapter 150, Laws of 1941 and RCW 40.04.090; and amending section 6, chapter 150, Laws of 1941 as amended by section 3, chapter 42, Laws of 1971 and RCW 40.04.100.

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

Section 1. Section 4, chapter 150, Laws of 1941 as amended by section 8, chapter 6, Laws of 1969 and RCW 40.04.040 are each amended to read as follows:

Session laws shall be distributed, sold and/or exchanged by the state law librarian as follows:

(1) Copies shall be given as follows: One to each United States senator and representative in congress from this state; six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States supreme court library; three to the library of the circuit court of appeals of the ninth circuit; one to each United States district court room within this state; one to each office and branch office of the United States district attorneys in this state; one to each state official whose office is created by the Constitution; one to the judge advocate's office at Fort Lewis; one to each member of the legislature, session law indexer, secretary and assistant secretary of the senate, chief clerk and the assistant chief clerk of the house of representatives, the minute clerk and sergeant-at-arms of the two branches of the legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press; two copies to the law library of the University of Puget Sound law school; ((and)) two copies to the law library of Gonzaga University law school; and two copies to the law libraries of any accredited law schools as are hereafter established in this state.

(2) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the governor who shall receive three copies; one each to the adjutant general, the state historical society, the state bar association, and to each state institution; one copy for each assistant attorney general who maintains his office in the attorney general's suite, and one additional copy for his stenographer's room; one copy to each prosecuting attorney and one for each of his deputies.

Sufficient copies shall be furnished for the use of the supreme court and the state law library as from time to time are needed. Eight copies shall be distributed to the University of Washington law library; one copy each to the offices of the president and the board of regents of the University of Washington, the dean of the University of Washington school of law, and to the University of Washington library; one copy to the library of each of the colleges of education (formerly called the normal schools); one copy each to the president of the Washington State University and to the Washington State University library. Six copies shall be sent to the King county law library, and one copy to each of the county law libraries organized pursuant to law in the counties of the first, second and third class; one copy to each public library in cities of the first class, and one copy to the municipal reference branch of the Seattle public library.

At the convening of each session of the legislature the state law librarian shall deliver to the chief clerk of the house of representatives twenty copies, and to the secretary of ((state [secretary of the senate])) the senate, ten copies, of the laws of the preceding general session and of any intervening session for the use of the legislators during the ensuing session but which shall be returned to the state law library at the expiration of the legislative session.

It shall be the duty of each county auditor biennially to submit to the state law librarian a list of county officers, including the prosecuting attorney and his regular full time deputies and the justices of the peace and superior court rooms regularly used by a justice of the peace or superior court judge, and the correct number of bound copies of the session laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said county auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them.

(3) Surplus copies of the session laws shall be sold and delivered by the state law librarian, in which case the price of the

bound volumes shall be four dollars each. All moneys received from the sale of such bound volumes of session laws shall be paid into the state treasury for the general fund.

(4) The state law librarian is authorized to exchange bound copies of the session laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper.

Sec. 2. Section 5, chapter 150, Laws of 1941 and RCW 40.04.090 are each amended to read as follows:

The house and senate journals shall be distributed and/or sold by the state law librarian as follows:

(1) Sets shall be distributed as follows: One set to each member of the legislature, secretary and assistant secretary of the senate, chief clerk and assistant to the chief clerk of the house of representatives, and to each minute clerk and sergeant-at-arms of the two branches of the legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director; three copies to the University of Washington law library; two copies to the University of Washington library; one to the King county law library; one to the Washington State ((College)) University library; one to the library of each of the colleges of education (formerly called the normal schools); one to the law library of Gonzaga University law school; one to the law library of the University of Puget Sound law school; one to the law libraries of any accredited law school as hereafter established in this state; and one to each free public library in the state which requests it.

(2) A set of the house and senate journals of the preceding general session, and of any intervening special session, shall be placed on the desk of each legislator for his use during the ensuing session, which shall be returned to the state law library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the state law library.

(3) Surplus sets of the house and senate journals shall be sold and delivered by the state law librarian, in which case the price shall be fifteen dollars for those of the general sessions, and ten dollars for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the state treasurer for the general fund.

(4) The state law librarian is authorized to exchange copies of the house and senate journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper.

Sec. 3. Section 6, chapter 150, Laws of 1941 as amended by section 3, chapter 42, Laws of 1971 and RCW 40.04.100 are each amended to read as follows:

The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his office in the attorney general's suite; three copies for the office of prosecuting attorney, in class A counties; two copies for such office in first class counties, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of program planning and fiscal management, and one copy to the division of inheritance tax and escheats; one copy each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in class AA counties, class A counties and in counties of the first, second and third class.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper.

Passed the House February 2, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 34

[House Bill No. 194]

INTERLOCAL COOPERATION--PUBLIC AGENCY DEFINITION--
AIR POLLUTION CONTROL AUTHORITY INCLUSION

AN ACT Relating to interlocal cooperation; and amending section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 33, Laws of 1971 and RCW 39.34.020.

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

Section 1. Section 3, chapter 239, Laws of 1967 as last amended by section 1, chapter 33, Laws of 1971 and RCW 39.34.020 are each amended to read as follows:

For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, fire protection district, school district, air pollution control authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States.

Passed the House February 2, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 35

[House Bill No. 212]

EASTERN WASHINGTON HISTORICAL SOCIETY--
ART COLLECTING AUTHORIZED

AN ACT Relating to the Eastern Washington Historical Society;

amending section 1, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.010; and amending section 2, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.020.

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

Section 1. Section 1, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.010 are each amended to read as follows:

The Eastern Washington state historical society, a corporation existing under the laws of the state of Washington, be and the same is hereby created a trustee of the state of Washington for the intent and purposes hereinafter mentioned:

It shall be the duty of the said society

(1) To collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.

(2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.

(3) To gather data and information concerning the origin, history, language and customs of our Indian tribes.

(4) To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

(5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

(6) To catalogue the collections of said society for the convenient reference of persons having occasion to consult same.

(7) To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and people thereof.

(8) To keep its rooms open at all reasonable hours of business days for the reception of citizens and visitors, without charge.

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art.

Sec. 2. Section 2, chapter 187, Laws of 1925 ex. sess. and RCW 27.32.020 are each amended to read as follows:

The books, maps, charts, relics, memorials, collections and all other property of the society now owned or hereafter acquired shall be held by the said society perpetually in trust for the use and benefit of the people of the state of Washington; PROVIDED, That

nothing contained herein shall prohibit the society from declining to accept, selling, exchanging, or otherwise divesting itself of such items which do not, in the judgment of the board of trustees, properly enhance its collection.

Passed the House February 19, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 36

[House Bill No. 263]

CLAIMS AGAINST COUNTIES--NOTICE OF DISALLOWANCE--
LIMITATIONS OF ACTIONS

AN ACT Relating to limitation of actions on claims against counties; and amending section 36.45.030, chapter 4, Laws of 1963 and RCW 36.45.030.

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

Section 1. Section 36.45.030, chapter 4, Laws of 1963 and RCW 36.45.030 are each amended to read as follows:

No action shall be maintained on any claim for damages until it has been presented to the board of county commissioners and sixty days have elapsed after such presentation, but such action must be commenced within three months after the sixty days have elapsed or within three months after the board has given the claimant notice by registered mail of disallowance in whole or in part of the claim for damages, which ever is longer.

Passed the House February 13, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 37

[House Bill No. 307]

JUDGES' RETIREMENT--CODE CORRECTION

AN ACT Relating to judges' retirement; reenacting section 6, chapter 229, Laws of 1937 as last amended by section 6, chapter 30, Laws of 1971 and by section 8, chapter 81, Laws of 1971 and RCW 2.12.060; and declaring an emergency.

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

Section 1. Section 6, chapter 229, Laws of 1937 as last amended by section 6, chapter 30, Laws of 1971 and by section 8, chapter 81, Laws of 1971 and RCW 2.12.060 are each reenacted to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each justice of the supreme court, six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the justices of the supreme court, the judges of the court of appeals, and the judges of the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The state auditor shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 2.12.060 was amended twice during the 1971 session, each without reference to the other.

1971 c 30 was enacted primarily to include the court of appeals within the judges' retirement system provided for in chapter 2.12 RCW.

1971 c 81 was enacted primarily to change the names of "judges" of the supreme court to "justices" of the supreme court. Although these amendments do not appear to be in conflict, a possible conflict occurred in the wording used to provide for deduction from the salaries of judges of the court of appeals for the retirement fund.

1971 c 30 sec. 6 uses ", six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals,".

1971 c 81 sec. 8 uses ", six and one-half percent of the total salaries of each judge of the court of appeals,".

The administrator for the courts has advised that administratively the language contained in 1971 c 30 sec. 6 is followed by his office.

It is the purpose of this bill to resolve the possible conflict by reenacting the language contained in 1971 c 30 sec. 6.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 38

[House Bill No. 308]

FEEES OF CLERKS OF SUPERIOR COURT--CODE CORRECTION

AN ACT Relating to fees of clerks of the superior courts; reenacting section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 20, Laws of 1972 ex. sess. and by section 5, chapter 57, Laws of 1972 ex. sess. and RCW 36.18.020; and declaring an emergency.

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

Section 1. Section 36.18.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 20, Laws of 1972 ex. sess. and by

section 5, chapter 57, Laws of 1972 ex. sess. and RCW 36.18.020 are each reenacted to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of thirty-two dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of thirty-two dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors. In the event that the case is settled out of court and the court is notified not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two

dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of thirty-two dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of thirty-two dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of twenty-five dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 36.18.020 [pertaining to fees of clerks of the superior courts] was amended twice during the 1972 extraordinary session, each without reference to the other.

(1) Section 1, chapter 20, Laws of 1972 ex. sess. changed the amount of filing fees in subsections (1), (2), (11) and (12).

(2) Section 5, chapter 57, Laws of 1972 ex. sess. [as part of an act pertaining to juries] amended subsection (5) to differentiate between the jury fee for a jury of six and the fee when a jury of twelve is demanded.

As these amendments appear to be in different

respects, the purpose of this bill is to give effect to each amendment by reenacting the sections with both amendments included therein.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 39

[House Bill No. 309]

ASSOCIATION OF COUNTIES--CODE CORRECTION

AN ACT Relating to counties; amending and reenacting section 36.40.040, chapter 4, Laws of 1963 as last amended by section 4, chapter 85, Laws of 1971 ex. sess. and RCW 36.40.040; and declaring an emergency.

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

Section 1. Section 36.40.040, chapter 4, Laws of 1963 as last amended by section 4, chapter 85, Laws of 1971 ex. sess. and RCW 36.40.040 are each amended and reenacted 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.

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 counties 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.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 36.40.040 was amended by 1971 ex. sess. c 85 sec. 4 for the purpose of changing the name of the "Washington state association of county commissioners" to "Washington state association of counties". During the course of passage, the phrase "first six months of the current fiscal year and the actual receipts for the" was omitted but was not indicated as deleted by brackets and strike-through deletion marks.

It is the purpose of this amendment to restore this deleted material and to correct other minor clerical errors which occurred in the 1971 amendment to this section.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 40

[House Bill No. 310]

INDUSTRIAL INSURANCE--CODE CORRECTION

AN ACT Relating to industrial insurance; reenacting section 51.52.110, chapter 23, Laws of 1961 as last amended by section 36, chapter 43, Laws of 1972 ex. sess. and by section 1, chapter 50, Laws of 1972 ex. sess. and RCW 51.52.110; and declaring an emergency.

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

Section 1. Section 51.52.110, chapter 23, Laws of 1961 as last amended by section 36, chapter 43, Laws of 1972 ex. sess. and by section 1, chapter 50, Laws of 1972 ex. sess. and RCW 51.52.110 are each reenacted to read as follows:

Within thirty days after a decision of the board to deny the petition or petitions for review upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, or to the superior court of the county wherein the injury occurred or where neither the county of residence nor the county wherein the injury occurred are in the state of Washington then the appeal may be directed to the superior court for Thurston county. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. If the case is one involving a self-insurer, a copy of the notice of appeal shall also be served by mail, or personally, on such self-insurer. The department shall, in all cases not involving a self-insurer, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. If the case is one involving a self-insurer, such self-insurer shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed to be at issue. In such cases the department may appear and take part in any proceedings. The board shall serve upon the appealing party, the director, the self-insurer if the case involves a self-insurer, and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court or the court of appeals, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service

of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: PROVIDED, HOWEVER, That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 51.52.110 was amended twice in the 1972 extraordinary session of the legislature.

(1) 1972 ex.s. c 43 sec. 36 added all references to "self-insurers" in the second paragraph of the section.

(2) 1972 ex.s. c 50 sec. 1 provided that appeal shall be to the workman's or beneficiary's county of residence, "or to the superior court of the county where the injury occurred or where neither ... are in the state of Washington then the appeal may be directed to the superior court of Thurston county".

As these amendments appear to be in different respects the purpose of this act is to give effect to each by reenacting the section with both amendments included therein.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 41

[House Bill No. 311]

VETERANS' BONUS--CODE CORRECTION

AN ACT Relating to veterans; reenacting section 2, chapter 272, Laws of 1959 as last amended by section 7, chapter 154, Laws of 1972 ex. sess. and by section 2, chapter 157, Laws of 1972 ex. sess. and RCW 73.32.130; and declaring an emergency.

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

Section 1. Section 2, chapter 272, Laws of 1959 as last amended by section 7, chapter 154, Laws of 1972 ex. sess. and by section 2, chapter 157, Laws of 1972 ex. sess. and RCW 73.32.130 are each reenacted to read as follows:

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession or distribution of cigarettes in an amount equal to the rate of one 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 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 percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

When all bonds herein authorized and all interest thereon have been fully paid, all proceeds thereafter received from the excise tax on cigarettes imposed by chapter 82.24 RCW as now or hereafter amended, shall be paid into the war veterans' compensation fund, herewith created, for distribution to veterans who served during the Viet Nam conflict as provided by this 1972 amendatory act: PROVIDED,

That, whenever the receipts into the war veterans' compensation fund during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred to the state general fund.

The amounts directed to be paid into the war veterans' compensation fund as provided by this 1972 amendatory act 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 collected pursuant to RCW 82.24.020, 73.32.130, and 28A.47.440.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 73.32.130 was amended twice during the 1972 extraordinary session of the legislature.

(1) 1972 ex.s. c 154 sec. 7 added the last two paragraphs to the section.

(2) 1972 ex.s. c 157 sec. 2, in the second paragraph, provided that "possession" of cigarettes be subject to excise tax.

As these amendments appear to be in different respects, the purpose of this bill is to give effect to each by reenacting the section with both amendments included therein.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 42

[House Bill No. 312]

MOTOR VEHICLE FUEL TAXES--CODE CORRECTION

AN ACT Relating to revenue and taxation; reenacting section 9, chapter 175, Laws of 1971 ex. sess. as amended by section 1, chapter 49, Laws of 1972 ex. sess. and by section 2, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.080; and declaring an emergency.

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

Section 1. Section 9, chapter 175, Laws of 1971 ex. sess. as amended by section 1, chapter 49, Laws of 1972 ex. sess. and by section 2, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.080 are each reenacted 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 in motor vehicles owned and operated by the state of Washington, or any county or municipality; (2) publicly owned fire fighting equipment; (3) special mobile equipment as defined in RCW 46.04.552; (4) power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by either of the following formulae: (a) pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his claim; or (b) operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; (5) motor vehicles owned and operated by the United States government; and (6) notwithstanding any provision of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of this chapter requiring the payment of special 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 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, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than twenty-five road miles beyond the corporate limits of the county in which said trip originated.

NEW SECTION. Sec. 2. This 1973 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.

EXPLANATORY NOTE

RCW 82.38.080 was amended twice during the 1972 extraordinary session, each without reference to the other.

1972 ex. sess. c 49 sec. 1 amended the definition of "urban transportation system" contained in the last sentence.

1972 ex. sess. c 138 sec. 2 amended subsection (4) pertaining to the exemption for fuel used in power pumping units or other power take-off equipment.

As the two amendments appear to be in different respects, it is the purpose of this bill to give effect to both amendments.

Passed the House February 8, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 43

[House Bill No. 321]

ATTORNEY GENERAL--PRIVATE PRACTICE PROHIBITED

AN ACT Relating to state government; prohibiting the attorney general and full time deputy and assistant attorneys general from the practice of law in their private capacity as attorneys; amending section 43.10.010, chapter 8, Laws of 1965 and RCW 43.10.010; adding new sections to chapter 43.10 RCW; and providing penalties.

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

Section 1. Section 43.10.010, chapter 8, Laws of 1965 and RCW 43.10.010 are each amended to read as follows:

No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state.

Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of section 2 of this 1973 amendatory act; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand

dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law.

NEW SECTION. Sec. 2. There is added to chapter 43.10 RCW a new section to read as follows:

The attorney general shall not practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client.

NEW SECTION. Sec. 3. There is added to chapter 43.10 RCW a new section to read as follows:

No full time deputy or assistant attorney general shall practice law for remuneration in his private capacity:

(1) As an attorney in any court of this state during his continuance in office; or

(2) As adviser or advocate for any person who may wish to become his client.

NEW SECTION. Sec. 4. There is added to chapter 43.10 RCW a new section to read as follows:

Special assistant attorney generals employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney.

NEW SECTION. Sec. 5. None of the provisions of this 1973 amendatory act shall be construed as prohibiting the attorney general or any of his full time deputies or assistants from:

(1) Performing legal services for himself or his immediate family; or

(2) Performing legal services of a charitable nature.

NEW SECTION. Sec. 6. If any provision of this 1973 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 February 17, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 44
[House Bill No. 325]
ACTIONS AGAINST STATE--VENUE

AN ACT Relating to civil procedure; and amending section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 159, Laws of 1963 and RCW 4.92.010.

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

Section 1. Section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 159, Laws of 1963 and RCW 4.92.010 are each amended to read as follows:

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court ((of Thurston county)). The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: PROVIDED, That in actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant ((may be commenced and prosecuted to judgment against the state in the superior court of the county in which real property is situated, and that)) no surety bond as above provided for shall be required ((in any such action: PROVIDED FURTHER, That actions on a claim arising out of tortious conduct may be commenced against the state in the superior court of Thurston county, the county in which the claim arises, or the county in which the plaintiff resides. Such action shall be subject to a change of venue as provided by law)).

The venue for such actions shall be as follows:

(1) The county of the residence or principal place of business of one or more of the plaintiffs;

(2) The county where the cause of action arose;

(3) The county in which the real property that is the subject of the action is situated;

(4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or

(5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a reasonable motion by or in behalf of the state to change the venue of the action.

Passed the House February 19, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 45

[House Bill No. 360]

SCHOOL BUSES--AUTHORIZING ELDERLY TRANSPORTATION--

AN ACT Relating to school districts; amending section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 24, Laws of 1971 and RCW 28A.24.055; amending section 1, chapter 78, Laws of 1971 and RCW 28A.24.110; and adding a new section to chapter 28A.24 RCW.

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

Section 1. Section 28A.24.055, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 24, Laws of 1971 and RCW 28A.24.055 are each amended to read as follows:

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.

In addition to the right to contract for the use of buses provided in RCW 28A.24.170 and 28A.24.172, any school district may

contract to furnish the use of school buses of that district to other users who are engaged in conducting an educational or recreational program supported wholly or in part by tax funds or programs for elderly persons at times when those buses are not needed by that district and under such terms as will fully reimburse such school district for all costs related or incident thereto: PROVIDED, HOWEVER, That no such use of school district buses shall be permitted except where other public or private transportation certificated or licensed by the Washington utilities and transportation commission is not reasonably available to the user: PROVIDED FURTHER, That no user shall be required to accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

Whenever any children or elderly persons are transported by the school district in its own motor vehicles and by its own employees, the board may provide insurance to protect the district against loss, whether by reason of theft, fire or property damage to the motor vehicle or by reason of liability of the district to persons from the operation of such motor vehicle.

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

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

Sec. 2. Section 1, chapter 78, Laws of 1971 and RCW 28A.24.110 are each amended to read as follows:

The directors of school districts are authorized to lease school buses to nonprofit organizations to transport handicapped children and elderly persons to and from the site of activities or programs deemed beneficial to such ~~((children))~~ persons by such organizations: PROVIDED, That commercial bus transportation is not reasonably available for such purposes.

NEW SECTION. Sec. 3. There is added to chapter 28A.24 RCW a new section to read as follows:

For purposes of this 1973 amendatory act, "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program.

Passed the House February 23, 1973.

Passed the Senate February 22, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 46
[House Bill No. 373]
EDUCATION CODE--HEALTH MEASURES

AN ACT Relating to education; reenacting section 28A.31.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 32, Laws of 1971 and by section 12, chapter 48, Laws of 1971 and RCW 28A.31.050; reenacting section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 105, Laws of 1972 ex. sess. and by section 1, chapter 124, Laws of 1972 ex. sess. and RCW 28A.41.130; repealing section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070; creating new sections; making certain effective dates; and declaring an emergency.

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

Section 1. Section 28A.31.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 32, Laws of 1971 and by section 12, chapter 48, Laws of 1971 and RCW 28A.31.050 are reenacted to read as follows:

The superintendent of public instruction shall print and distribute to appropriate school officials the rules and regulations adopted by the state board of health pursuant to RCW 28A.31.030 and the recommended records and forms to be used in making and reporting such screenings.

Sec. 2. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 105, Laws of 1972 ex. sess. and by section 1, chapter 124, Laws of 1972 ex. sess. and RCW 28A.41.130 are each reenacted to read as follows:

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 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided for in RCW 28A.58.180:

(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 the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 as now or hereafter amended 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 receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

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

(5) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to section 7 of chapter 294, Laws of 1971 ex. sess. upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.050 as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) 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. 3. Section 2 of this 1973 amendatory act shall not be effective until July 1, 1973.

NEW SECTION. Sec. 4. Section 28A.88.070, chapter 223, Laws of 1969 ex. sess., section 53, chapter 48, Laws of 1971 and RCW 28A.88.070 are each hereby repealed.

NEW SECTION. Sec. 5. If any provision of this 1973 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. 6. Sections 1, 3, 4, and 5 of this 1973 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 immediately.

Passed the House February 19, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 6, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 47

[Senate Bill No. 2331]

JOINT SCHOOL DISTRICTS--DETERMINATION

AN ACT Relating to joint school districts; amending section 28A.57.230, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.230; amending section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as amended by section 131, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.240; amending section 28A.57.250, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.250; amending section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as amended by section 133, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.255; and amending section 28A.57.260, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 53, Laws of 1971 and RCW 28A.57.260.

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

Section 1. Section 28A.57.230, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.230 are each amended to read as follows:

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)) in accordance with rules and regulations promulgated under RCW 28A.04.130.

Sec. 2. Section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as amended by section 131, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.240 are each amended to read as follows:

The duties in this chapter imposed upon and required to be performed by a county committee and by an intermediate school 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 intermediate school districts as required whenever territory lying in more than one county or intermediate school district is involved: PROVIDED, That a county committee may designate three of its members, or two of its members and the intermediate school 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)) located the part of the proposed or enlarged district having the largest number of common school pupils residing therein.

Sec. 3. Section 28A.57.250, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.250 are each amended to read as follows:

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)) the county in which a joint school district shall be considered as belonging shall be as designated by the state board of education. Prior to making such designation, the state board of education shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the state board shall consider the following prior to its designation:

(1) Service needs of such district;

(2) Availability of services;

(3) Geographic location of district and servicing agencies;

and

(4) Relationship to contiguous school districts.

Sec. 4. Section 28A.57.255, chapter 223, Laws of 1969 ex. sess. as amended by section 133, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.255 are each amended to read as follows:

The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district and on the office of their intermediate school district board ((of education of the county to which the district belongs, even though they reside outside the county, or intermediate school district)) member.

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)) such auditor 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 intermediate school district board of education concerned with their school district.

Sec. 5. Section 28A.57.260, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 53, Laws of 1971 and RCW 28A.57.260 are each amended to read as follows:

((Every director or superintendent of a joint school district, on assuming the duties of office, shall file a certificate of election or appointment and a certified attestation of such person's signature with the intermediate school district superintendent to which the district belongs, 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 shall be filled in the manner provided by RCW 28A.57.326 for filling vacancies, 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. 6. If any provision of this 1973 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 February 5, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 48

[Senate Bill No. 2592]

OPTOMETRISTS--DISCRIMINATION PROHIBITED

AN ACT Relating to optometrists; and adding new sections to chapter 18.53 RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.53 RCW a new section to read as follows:

The legislature finds and declares that the costs of health care to the people are rising disproportionately to other costs and that there is a paramount concern that the right of the people to obtain access to health care in all its facets is being impaired thereby. For this reason, the reliance on the mechanism of insurance, whether profit or nonprofit, is the only effective manner in which the large majority of the people can attain access to quality health care, and it is therefore declared to be in the public interest that health care insurance be regulated to assure that all the people have access to health care rendered by whatever means, and to the greatest extent possible. This 1973 act, prohibiting discrimination against the legally recognized and licensed profession of optometrists, is necessary in the interest of the public health, welfare and safety.

NEW SECTION. Sec. 2. There is added to chapter 18.53 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state and its political subdivisions shall accept the services of licensed optometrists for any service covered by their licenses with relation to any person receiving benefits, salaries, wages, or any other type of compensation from the state, its agencies or subdivisions.

NEW SECTION. Sec. 3. There is added to chapter 18.53 RCW a new section to read as follows:

The state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from in any way discriminating against licensed optometrists in performing and receiving compensation for services covered by their licenses.

NEW SECTION. Sec. 4. There is added to chapter 18.53 RCW a new section to read as follows:

Notwithstanding any other provision of law, the state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from entering into any agreement or contract with any individual, group, association, or corporation which in any way, directly or indirectly, discriminates against licensed optometrists in performing and receiving compensation for services covered by their licenses.

NEW SECTION. Sec. 5. There is added to chapter 18.53 RCW a new section to read as follows:

Notwithstanding any other provision of law, for the purpose of sections 1 through 4 and 6 of this 1973 act it is immaterial whether the cost of any policy, plan, agreement, or contract be deemed additional compensation for services, or otherwise.

NEW SECTION. Sec. 6. There is added to chapter 18.53 RCW a new section to read as follows:

Sections 1 through 5 of this 1973 act shall apply to all agreements, renewals, or contracts issued on or after the effective date of this 1973 act.

NEW SECTION. Sec. 7. If any provision of this 1973 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 February 19, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 49

[House Bill No. 281]

SCHOOL DISTRICTS--ADVERSE PROCEEDINGS--

HEARING OFFICER AUTHORIZED

AN ACT Relating to education; amending section 28A.58.450; chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.450; amending section 16, chapter 15, Laws of 1970 ex. sess. and RCW 28A.67.070; and amending section 18, chapter 34, Laws of 1969

ex. sess. and RCW 28A.58.515 and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 28A.58.450, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.450 are each amended to read as follows:

Every board of directors determining that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his contract status, shall notify such employee in writing of its decision, which notification shall specify the probable cause or causes for such action. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her 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 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 sufficient cause or causes for his or her discharge or other adverse action against his contract status. In the request for hearing, the employee may request either an open or closed hearing. 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 hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed. The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceedings together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct 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)) ten days following the conclusion of such hearing, shall notify such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause or causes 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 or causes for discharge or other adverse action against his contract status.

In the event any such notice or opportunity for hearing is not timely given by the district, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Sec. 2. Section 16, chapter 15, Laws of 1970 ex. sess. and RCW 28A.67.070 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", 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 or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee 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 intermediate school district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the intermediate school district superintendent for the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every board of directors determining that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term shall notify that employee in writing on or before April 15th preceding the commencement of such term of that determination of the board of directors, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, or by

leaving a copy of the notice at the house of his or her 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 or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. 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 hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed.

The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceeding together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct 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~~) ten 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 of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification or 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.

Sec. 3. Section 18, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.515 are each amended to read as follows:

In lieu of requesting a hearing before the board of directors or its designated hearing officer pursuant to the provisions of RCW 28A.58.450 and 28A.67.070, an employee may elect to appeal the action of the board directly to the superior court of the county in which

the school district is located by serving upon the clerk of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the notification of the action of the board. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action of the board of directors and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be conducted in the same manner as appeals provided in RCW 28A.58.470 through 28A.58.500.

NEW SECTION. Sec. 4. This 1973 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 February 19, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 50

[House Bill No. 284]

LAND SURVEYS--RECORDING STANDARDS

AN ACT Relating to land surveys; providing a method for preservation of evidence thereof by establishing standards and procedures for monumenting and for recording a public record of surveys; adding a new chapter to Title 58 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this chapter is to provide a method for preserving evidence of land surveys by establishing standards and procedures for monumenting and for recording a public record of the surveys. Its provisions shall be deemed supplementary to existing laws relating to surveys, subdivisions, platting, and boundaries.

This chapter shall be known and may be cited as the "Survey Recording Act".

NEW SECTION. Sec. 2. As used in this chapter:

(1) "Land surveyor" shall mean every person authorized to practice the profession of land surveying under the provisions of chapter 18.43 RCW, as now or hereafter amended.

(2) "Washington coordinate system" shall mean that system of plane coordinates as established and designated by chapter 58.20 RCW.

(3) "Survey" shall mean the locating and monumenting in accordance with sound principles of land surveying by or under the supervision of a licensed land surveyor, of points or lines which define the exterior boundary or boundaries common to two or more ownerships or which reestablish or restore general land office corners.

NEW SECTION. Sec. 3. Any land surveyor engaged in the practice of land surveying may prepare maps, plats, reports, descriptions, or other documentary evidence in connection therewith.

Every map, plat, report, description, or other document issued by a licensed land surveyor shall comply with the provisions of this chapter whenever such map, plat, report, description, or other document is filed as a public record.

It shall be unlawful for any person to sign, stamp, or seal any map, report, plat, description, or other document for filing under this chapter unless he be a land surveyor.

NEW SECTION. Sec. 4. After making a survey in conformity with sound principles of land surveying, a land surveyor may file a record of survey with the county auditor in the county or counties wherein the lands surveyed are situated.

(1) It shall be mandatory, within ninety days after the establishment, reestablishment or restoration of a corner on the boundary of two or more ownerships or general land office corner by survey that a land surveyor shall file with the county auditor in the county or counties wherein the lands surveyed are situated a record of such survey, in such form as to meet the requirements of this chapter, which through accepted survey procedures, shall disclose:

(a) The establishment of a corner which materially varies from the description of record;

(b) The establishment of one or more property corners not previously existing;

(c) Evidence that reasonable analysis might result in alternate positions of lines or points as a result of an ambiguity in the description;

(d) The reestablishment of lost government land office corners.

(2) When a licensed land surveyor, while conducting work of a preliminary nature or other activity that does not constitute a survey required by law to be recorded, replaces or restores an existing or obliterated general land office corner, it is mandatory that, within ninety days thereafter, he shall file with the county auditor in the county in which said corner is located a record of the monuments and accessories found or placed at the corner location, in such form as to meet the requirements of this chapter.

NEW SECTION. Sec. 5. The records of survey to be filed under

authority of this chapter shall be processed as follows:

(1) Surveys which qualify under section 4(1) of this act shall be a map, legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on tracing cloth, or equivalent, eighteen by twenty-four inches, or of a size as required by the county auditor. If ink is used on polyester base film, the ink shall be coated with a suitable substance to assure permanent legibility. A two inch margin shall be provided on the left edge and a one-half inch margin shall be provided at the other edges of the map.

(2) Information required by section 4(2) of this act shall be recorded on a standard form eight and one-half inches by fourteen inches which shall be designed and prescribed by the bureau of surveys and maps.

(3) Two legible prints of each record of survey and records of monuments and accessories as required under the provisions of this chapter shall be furnished to the county auditor in the county in which the survey is to be recorded. The auditor shall keep one copy for his records and shall send the second to the bureau of surveys and maps at Olympia, Washington, with the auditor's record number thereon.

NEW SECTION. Sec. 6. (1) The record of survey as required by section 4 (1) of this act shall show:

(a) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location and giving other data relating thereto;

(b) Bearing trees, corner accessories or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow;

(c) Name and legal description of tract in which the survey is located and ties to adjoining surveys of record;

(d) Certificates required by section 8 of this act;

(e) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

(2) The record of corner information as required by section 4(2) of this act shall be on a standard form showing:

(a) An accurate description and location, in reference to the corner position, of all monuments and accessories found at the corner;

(b) An accurate description and location, in reference to the corner position, of all monuments and accessories placed or replaced at the corner;

(c) Basis of bearings used to describe or locate such monuments or accessories;

(d) Corollary information that may be helpful to relocate or identify the corner position;

(e) Certificate required by section 8 of this act.

NEW SECTION. Sec. 7. When coordinates in the Washington coordinate system are shown for points on a record of survey map, the map may not be recorded unless it also shows, or is accompanied by a map showing, the control scheme through which the coordinates were determined from points of known coordinates.

NEW SECTION. Sec. 8. Certificates shall appear on the record of survey map as follows:

SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of in, 19... .

Name of Person

(Signed and Sealed).....

Certificate No.

AUDITOR'S CERTIFICATE

Filed for record this day of, 19... atM. in book of at page at the request of

(Signed)

County Auditor

NEW SECTION. Sec. 9. (1) A record of survey is not required of any survey:

(a) When it has been made by a public officer in his official capacity and a reproducible copy thereof has been filed with the county engineer of the county in which the land is located. A map so filed shall be indexed and kept available for public inspection. A record of survey shall not be required of a survey made by the United States bureau of land management. A state agency conducting surveys to carry out the program of the agency shall not be required to use a land surveyor as defined by this chapter;

(b) When it is of a preliminary nature;

(c) When a map is in preparation for recording or shall have been recorded in the county under any local subdivision or platting law or ordinance.

(2) Surveys exempted by foregoing subsections of this section shall require filing of a record of corner information pursuant to section 4(2) of this act.

NEW SECTION. Sec. 10. The charge for filing any record of survey and/or record of corner information shall be fixed by the board of county commissioners.

NEW SECTION. Sec. 11. The record of survey and/or record of corner information filed with the county auditor of any county shall

be securely fastened by him into suitable books provided for that purpose.

He shall keep proper indexes of such record of survey by the name of owner and by section, township, and range, with reference to other legal subdivisions.

He shall keep proper indexes of the record of corner information by section, township and range.

The original survey map shall be stored for safekeeping in a reproducible condition. It shall be proper for the auditor to maintain for public reference a set of counter maps that are prints of the original maps. The original maps shall be produced for comparison upon demand.

NEW SECTION. Sec. 12. Any monument set by a land surveyor to mark or reference a point on a property or land line shall be permanently marked or tagged with the certificate number of the land surveyor setting it. If the monument is set by a public officer it shall be marked by an appropriate official designation.

Monuments set by a land surveyor shall be sufficient in number and durability and shall be efficiently placed so as not to be readily disturbed in order to assure, together with monuments already existing, the perpetuation or reestablishment of any point or line of a survey.

NEW SECTION. Sec. 13. When adequate records exist as to the location of subdivision, tract, street, or highway monuments, such monuments shall be located and referenced by or under the direction of a land surveyor at the time when streets or highways are reconstructed or relocated, or when other construction or activity affects their perpetuation. Whenever practical a suitable monument shall be reset in the surface of the new construction. In all other cases permanent witness monuments shall be set to perpetuate the location of preexisting monuments. Additionally, sufficient controlling monuments shall be retained or replaced in their original positions to enable land lines, property corners, elevations and tract boundaries to be reestablished without requiring surveys originating from monuments other than the ones disturbed by the current construction or activity.

It shall be the responsibility of the governmental agency or others performing construction work or other activity to provide for the monumentation required by this section. It shall be the duty of every land surveyor to cooperate with such governmental agency or other person in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, or streets shall not be deemed adequate for this purpose unless specifically noted on the records of the improvement works with direct ties in bearing or azimuth and distance between those and

other monuments of record.

NEW SECTION. Sec. 14. Noncompliance with any provision of this chapter, as it now exists or may hereafter be amended, shall constitute grounds for revocation of a land surveyor's authorization to practice the profession of land surveying and as further set forth under RCW 18.43.105 and 18.43.110.

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.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act shall constitute a new chapter in Title 58 RCW.

Passed the House February 10, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 51

[House Bill No. 388]

COMPULSORY SCHOOL ATTENDANCE

AN ACT Relating to education; amending section 2, chapter 10, Laws of 1972 ex. sess. and RCW 28A.27.010; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding a new section to chapter 49.12 RCW; repealing sections 28A.06.010, 28A.06.050 and 28A.06.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.06.010, 28A.06.050 and 28A.06.070; repealing section 28A.28.010, chapter 223, Laws of 1969 ex. sess., section 10, chapter 48, Laws of 1971 and RCW 28A.28.010; repealing sections 28A.28.020, 28A.28.050, 28A.28.060, 28A.28.070, 28A.28.090, 28A.28.100, 28A.28.110, 28A.28.120, 28A.28.130 and 28A.28.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.28.020, 28A.28.050, 28A.28.060, 28A.28.070, 28A.28.090, 28A.28.100, 28A.28.110, 28A.28.120, 28A.28.130 and 28A.28.140; and repealing section 28A.28.030, chapter 223, Laws of 1969 ex. sess, section 11, chapter 48, Laws of 1971 and RCW 28A.28.030.

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

Section 1. Section 2, chapter 10, Laws of 1972 ex. sess. and RCW 28A.27.010 are each amended to read as follows:

((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 a residential school operated by the division of institutions of the department of social and health services 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 nine grades of the public schools of this state.)

All parents, guardians and the persons in this state having custody of any child eight years of age and under fifteen years of age 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 attendance because the child is physically or mentally unable to attend school or unless such child is attending a residential school operated by the division of institutions of the department of social and health services.

All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age 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 excepting when the school district superintendent determines that such 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 nine grades of the public schools of this state, or the child is regularly and lawfully engaged in a useful or remunerative occupation, or the child is attending a residential school operated by the division of institutions of the department of social and health services, or the child has already met graduation requirements in accordance with state board of education rules and regulations, or the child has received a certificate of educational competence under rules and regulations established by the state board of education under section 2 of this 1973 amendatory act.

Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this

section. An approved private and/or parochial school for the purposes of this section shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

The state board of education shall adopt rules and regulations governing the conditions by and under which a certificate of educational competence may be issued to a person nineteen years of age or older, and a child fifteen years of age and under nineteen years of age when such a child can evidence substantial and warranted reason for leaving the regular high school education program.

NEW SECTION. Sec. 3. There is added to chapter 49.12 RCW a new section to read as follows:

In implementing state policy to assure the attendance of children in the public schools it shall be required of any person, firm or corporation employing any minor under the age of eighteen years to obtain a work permit as set forth in RCW 49.12.120 and keep such permit on file during the employment of such minor, and upon termination of such employment of such minor to return such permit to the industrial welfare committee of the department of labor and industries.

NEW SECTION. Sec. 4. The following acts or parts of acts are each hereby repealed:

(1) Sections 28A.06.010, 28A.06.050 and 28A.06.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.06.010, 28A.06.050 and 28A.06.070;

(2) Section 28A.28.010, chapter 223, Laws of 1969 ex. sess., section 10, chapter 48, Laws of 1971 and RCW 28A.28.010;

(3) Sections 28A.28.020, 28A.28.050, 28A.28.060, 28A.28.070, 28A.28.090, 28A.28.100, 28A.28.110, 28A.28.120, 28A.28.130 and 28A.28.140, chapter 223, Laws of 1969 ex. sess. and RCW 28A.28.020, 28A.28.050, 28A.28.060, 28A.28.070, 28A.28.090, 28A.28.100, 28A.28.110, 28A.28.120, 28A.28.130 and 28A.28.140; and

(4) Section 28A.28.030, chapter 223, Laws of 1969 ex. sess., section 11, chapter 48, Laws of 1971 and RCW 28A.28.030.

NEW SECTION. Sec. 5. If any provision of this 1973 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 February 12, 1973.

Passed the Senate February 20, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 52

[House Bill No. 477]

PUBLIC SCHOOLS--STUDENT BODY ORGANIZATIONS--REGULATION

AN ACT Relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state.

Passed by the House February 19, 1973.

Passed by the Senate February 27, 1973.

Approved by the Governor March 7, 1973.

Filed in Office of Secretary of State March 7, 1973.

CHAPTER 53
[Substitute House Bill No. 65]
AMATEUR BOXING AND WRESTLING--
STATE CONTROL EXEMPTION

AN ACT Relating to sports and amusements; and amending section 2, chapter 48, Laws of 1951 and RCW 67.08.015.

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

Section 1. Section 2, chapter 48, Laws of 1951 and RCW 67.08.015 are each amended to read as follows:

The commission shall have power and it shall be its duty to direct, supervise, and control all boxing contests or sparring and wrestling matches or exhibitions conducted within the state and no such boxing contest, sparring or wrestling match or exhibition shall be held or given within this state except in accordance with the provisions of this chapter. The commission may, in its discretion, issue and for cause revoke a license to conduct, hold or give boxing, sparring and/or wrestling contests, matches, and exhibitions where an admission fee is charged by any club, corporation, organization, association, or fraternal society: PROVIDED, HOWEVER, That all boxing contests, sparring or wrestling matches or exhibitions which:

(1) Are conducted by any high school, college, or university, whether public or private, or by the official student association thereof, whether on or off the school, college, or university grounds, where all the participating contestants are bona fide students enrolled in any high school, college, or university, within or without this state((7)); or

(2) Are entirely amateur events promoted on a nonprofit basis or for charitable purposes and where the gross admissions receipts are five hundred dollars or less;

shall not be subject to the provisions of this chapter: PROVIDED, FURTHER, That every contestant in any boxing contest, sparring or wrestling match not conducted under the provisions of this chapter shall be examined within eight hours prior to the contest by a practicing physician and that ((said scholastic)) the organizations ((herein)) exempted by this section from the provisions of this chapter shall be governed by RCW 67.08.080 as said section applies to boxing contests, sparring or wrestling matches or exhibitions conducted by ((any scholastic)) organizations exempted by this section from the general provisions of this chapter. No boxing contest or sparring or wrestling match or exhibition shall be conducted within the state except pursuant to a license issued in

accordance with the provisions of this chapter and the rules and regulations of the commission except as hereinabove provided.

Passed the House February 9, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 54

[House Bill No. 86]

PUBLIC RECORDS--EMERGENCY PROTECTION PROCEDURES

AN ACT Relating to the protection and maintenance of public documents and records; amending section 1, chapter 241, Laws of 1963 and RCW 40.10.010; amending section 2, chapter 241, Laws of 1963 and RCW 40.10.020; amending section 4, chapter 246, Laws of 1957 and RCW 40.14.040; amending section 6, chapter 246, Laws of 1957 and RCW 40.14.060; and amending section 7, chapter 246, Laws of 1957 as amended by section 1, chapter 10, Laws of 1971 ex. sess. and RCW 40.14.070.

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

Section 1. Section 1, chapter 241, Laws of 1963 and RCW 40.10.010 are each amended to read as follows:

In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the state shall designate those public documents which are essential records of his office and ((shall transmit the original or a copy of such document to the state archivist for reproduction by microfilm or other miniature photographic process)) needed in an emergency and for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the state archivist and director of the department of emergency services on forms prescribed by the state archivist. This list shall be reviewed at least annually by the elected or appointed officer to insure its completeness. Any changes or revisions following this review shall be forwarded to the state archivist and the director of the department of emergency services. Each such elected and appointed officer of state government shall insure that the security of essential records of his office is by the most economical means commensurate with adequate protection. Protection of essential records may be by vaulting, planned or natural dispersal of copies, or any other method approved by the state archivist and the director of the department of emergency services. Reproductions of essential records may be by photo copy, magnetic tape, microfilm or other

method approved by the state archivist. Local government offices may coordinate the protection of their essential records with the state archivist and director of the department of emergency services as necessary to provide continuity of local government under emergency conditions.

Sec. 2. Section 2, chapter 241, Laws of 1963 and RCW 40.10.020 are each amended to read as follows:

The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the ((state)) director of ((civil defense)) the department of emergency services. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

Sec. 3. Section 4, chapter 246, Laws of 1957 and RCW 40.14.040 are each amended to read as follows:

Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer ((and the archivist shall prepare transfer schedules for the transfer of public records to the records centers or to the archives. Transfer shall be made by requisition from the archivist upon the basis of such agreed transfer schedules)) shall:

- (1) Coordinate all aspects of the records management program.
- (2) Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and state records committee: PROVIDED, That essential records shall be inventoried and processed in accordance with chapter 40.10 RCW at least annually.
- (3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.
- (4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.

(5) Approve all records inventory and destruction requests which are submitted to the state records committee.

(6) Review established records retention schedules at least annually to insure that they are complete and current.

(7) Exercise internal control over the acquisition of filming and file equipment.

(8) Report annually all savings resulting from records disposition actions to his management, the state archivist and the office of program planning and fiscal management.

If a particular agency or department does not wish to transfer ((the requisitioned)) records at ((the)) a time previously scheduled therefor, the records officer shall, within thirty days, notify the archivist and request a change in ((the)) such previously set schedule, including his reasons therefor.

Sec. 4. Section 6, chapter 246, Laws of 1957 and RCW 40.14.060 are each amended to read as follows:

Official public records shall not be destroyed until they are either photographed, microphotographed, photostated, or reproduced on film, or until they are ((ten)) seven years old, except on a showing of the department of origin, as approved by the records committee, that the retention of such records for a minimum of ((ten)) seven years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs are involved: PROVIDED, That any lesser term of retention than ((ten)) seven years must have the additional approval of the director of the budget, the state auditor and the attorney general, except where records have federal retention guidelines the state records committee may adjust the retention period accordingly: PROVIDED, FURTHER, That an automatic reduction of retention periods from ten to seven years as provided for in this 1973 amendatory section for official public records shall not be made as to records on existing record retention schedules but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of seven years.

Recommendations for the destruction or disposition of office files and memoranda shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition.

Sec. 5. Section 7, chapter 246, Laws of 1957 as amended by section 1, chapter 10, Laws of 1971 ex. sess. and RCW 40.14.070 are each amended to read as follows:

County, municipal, and other local government agencies may

request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management, lists of such records, in triplicate, on forms prepared by the division. The archivist and the chief examiner of the division of municipal corporations of the office of the state auditor and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee which shall review such lists, and may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

No public record other than office files and memoranda of any local government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is ((ten)) seven years old, and except as otherwise provided by law no public record shall be destroyed until approved for destruction by the local records committee; PROVIDED, That where records have federal retention guidelines the local records committee may adjust the retention period accordingly; PROVIDED FURTHER, That an automatic reduction of retention periods from ten to seven years as provided for in this 1973 amendatory section for official public records shall not be made as to records on existing record retention schedules but the same shall be reviewed individually by the local records committee for approval or disapproval of the change to a retention period of seven years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency

selected by the archivist, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study.

NEW SECTION. Sec. 6. If any provision of this 1973 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 February 13, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 55

[House Bill No. 107]

TELEVISION RECEPTION IMPROVEMENT DISTRICT

DIRECTOR BONDING--REPEALED

AN ACT Relating to television reception improvement districts; and repealing section 17, chapter 155, Laws of 1971 ex. sess. and RCW 36.95.170.

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

NEW SECTION. Section 1. Section 17, chapter 155, Laws of 1971 ex. sess and RCW 36.95.170 are each hereby repealed.

NEW SECTION. Sec. 2. Section 1 of this act shall not have the effect of terminating, or in any way modifying, any liability which shall already be in existence at the date this act becomes effective.

Passed the House January 24, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 56

[House Bill No. 149]

SERVICE VOTERS--REDEFINED

AN ACT Relating to elections; and amending section 29.39.010, chapter 9, Laws of 1965 as amended by section 4, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.010.

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

Section 1. Section 29.39.010, chapter 9, Laws of 1965 as

amended by section 4, chapter 109, Laws of 1967 ex. sess. and RCW 29.39.010 are each amended to read as follows:

"Service voter" means an elector who comes within any of the following categories:

(1) Members of the armed forces while in the active service, and their spouses and dependents, including students and faculty members of the United States military academies.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories, including members of the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the congress.

(4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

(5) Citizens of the United States and of the state of Washington temporarily residing outside (~~the territorial limits~~) of the (~~several states of the United States and the District of Columbia~~) state of Washington and their spouses and dependents when residing with or accompanying them.

The term "armed forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended.

The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

The term "dependent" means any person who is in fact a dependent.

Passed the House February 17, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 57

[House Bill No. 155]

STATE SCHOOL LANDS--CITIES AND COUNTIES' USE--
CLASSIFICATION--VALUATION--REPEALED

AN ACT Relating to public lands; repealing section 2, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.220; repealing section 3, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.230; and repealing section 4, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.240.

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

NEW SECTION. Section 1. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.220;

(2) Section 3, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.230; and

(3) Section 4, chapter 246, Laws of 1971 ex. sess. and RCW 79.08.240.

Passed the House February 9, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 58

[House Bill No. 165]

COUNTY TREASURER'S PROPERTY TAX REVENUE
REPORT--REPEALED

AN ACT Relating to county treasurers; and repealing section 15, chapter 288, Laws of 1971 ex. sess. and RCW 36.29.015.

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

NEW SECTION. Section 1. Section 15, chapter 288, Laws of 1971 ex. sess. and RCW 36.29.015 are each repealed.

Passed the House February 13, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 59

[House Bill No. 175]

PUBLIC EMPLOYEES' COLLECTIVE BARGAINING

AN ACT Relating to public employees' collective bargaining; amending section 11, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.110; and adding new sections to chapter 41.56 RCW.

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

Section 1. Section 11, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.110 are each amended to read as follows:

((A collective bargaining agreement may provide that)) Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

NEW SECTION. Sec. 2. There is added to chapter 41.56 RCW a new section to read as follows:

A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the department of labor and industries shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement.

NEW SECTION. Sec. 3. There is added to chapter 41.56 RCW a new section to read as follows:

In addition to any other method for selecting arbitrators, the parties may request the department of labor and industries to, and the department shall, appoint a qualified person who may be an employee of the department to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: PROVIDED, That the department shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the department under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter.

Passed the House February 15, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 60

[House Bill No. 185]

STATE HIGHWAY NO. 115--ESTABLISHED

AN ACT Relating to highways; establishing state route number 115; and adding a new section to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW.

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

NEW SECTION. Section 1. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City.

Passed the House February 7, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 61

[House Bill No. 198]

ADOPTION FEES--SUPPORT ACCOUNT

AN ACT Relating to adoptions; amending section 3, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.106; and amending section 16, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.142.

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

Section 1. Section 3, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.106 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145 during the 1971-1973 and 1973-1975 fiscal bienniums shall be credited to an adoption support account, hereby created, in the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such account. The secretary may also from time to time transfer to such account from appropriations available to him for care of children in foster homes and child-caring institutions such sums ((not to exceed two hundred fifty thousand dollars during the 1974-1973 fiscal biennium)) as in his judgment will enable him to carry out a pilot project to demonstrate the value of a program of adoption support. In carrying out such pilot project the secretary is authorized to use the funds made available to him pursuant to RCW 26.32.115 and 74.13.100 through 74.13.145, or, in his discretion, any portion thereof, to formulate, approve, implement or otherwise act pursuant to RCW 74.08.390, to develop and set up a pilot adoption support project at such level as he deems appropriate, consistent with the purposes set forth in RCW 74.13.100. The secretary may develop and approve such a project whether formulated within or outside the department, and may for such purposes, contract with any public agency or licensed child placing agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private and other public funding sources to carry out such project.

The secretary shall make a full report to the legislature during the 1973 and 1975 legislative sessions concerning such pilot project including an analysis by the secretary of any savings in foster care and institutional care for hard to place children realized and estimated to be realized in the future as a result of a program of adoption support of the kind provided for in RCW 26.32.115 and 74.13.100 through 74.13.145.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to

place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the adoption support account of the general fund and may use such funds, subject to such limitations as may be imposed by federal law, to carry out the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

The secretary may also deposit in such account and disburse therefrom all gifts and grants from any nonfederal source, including public and private foundations, which may be used for the program of adoption support authorized by RCW 26.32.115 and 74.13.100 through 74.13.145.

Sec. 2. Section 16, chapter 63, Laws of 1971 ex. sess. and RCW 74.13.142 are each amended to read as follows:

The authority granted to the secretary in RCW 26.32.115 and 74.13.106 through 74.13.139 to provide adoption support to prospective parents who adopt hard to place children shall terminate on June 30, ((1973)) 1975 unless such authority is hereafter extended by law: PROVIDED, That payments shall be continued by the secretary subject to annual review as provided in RCW 26.32.115 and 74.13.106 through 74.13.139 for all hard to place children for whom adoption support agreements have been entered into by the secretary on or before June 30, ((1973)) 1975.

Passed the House February 13, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 62
[House Bill No. 233]
HIGHER EDUCATION CODE--POWERS AND
DUTIES OF BOARD

AN ACT Relating to higher education; amending sections 28B.10.200 and 28B.10.250, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.200 and 28B.10.250; amending section 28B.10.510, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.510; amending section 19, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.822; amending section 20, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.824; amending section 14, chapter 215, Laws of 1969 ex. sess. and RCW 28B.16.230; amending section 28B.20.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.100; amending section 28B.20.412, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.412; amending section 28B.20.456, chapter 223, Laws of 1969 ex. sess. and RCW

28B.20.456; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.100; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.100; amending section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.030; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.050; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.060; amending section 28B.50.070, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.070; amending section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.090; amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.100; amending section 28B.50.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.130; amending section 17, chapter 15, Laws of 1970 ex. sess. and RCW 28B.50.140; amending section 28B.50.170, chapter 223, Laws of 1969 ex. sess. as amended by section 28, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.170; amending section 28B.50.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.200; amending section 7, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.551; amending section 28B.50.570, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.570; amending section 42, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.864; repealing section 3, chapter 283, Laws of 1969 ex. sess. and RCW 28B.10.720; repealing sections 28B.50.690, 28B.50.700, 28B.50.710, 28B.50.780 and 28B.50.790, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.690, 28B.50.700, 28B.50.710, 28B.50.780 and 28B.50.790; and declaring an emergency.

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

Section 1. Section 28B.10.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.200 are each amended to read as follows:

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))~~ operating and service and activity fees for the scholarship period.

Sec. 2. Section 28B.10.250, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.250 are each amended to read as follows:

~~((Matriculation fees and other incidental and special))~~

Operating and service and activity 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.

Sec. 3. Section 28B.10.510, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.510 are each amended to read as follows:

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)) institutions of higher education and he shall institute and prosecute or defend all suits in behalf of the same.

Sec. 4. Section 19, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.822 are each amended to read as follows:

The commission shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter ((34+04 REW; the Administrative Procedure Act)) 28B.19 RCW, the state higher education administrative procedure act.

Sec. 5. Section 20, chapter 222, Laws of 1969 ex. sess. and RCW 28B.10.824 are each amended to read as follows:

Subject to the provisions of chapter ((41+06)) 28B.16 RCW, ([the] state civil service law, or the higher education personnel board statute, if enacted by the forty-first legislature as Senate Bill No. 246) the state higher education personnel law, the commission shall appoint an executive director as chief administrator of the commission, and such employees as it deems advisable, and shall fix their compensation and prescribe their duties.

Sec. 6. Section 14, chapter 215, Laws of 1969 ex. sess. and RCW 28B.16.230 are each amended to read as follows:

Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to the state higher education personnel law ((if the same becomes law)) and the higher education personnel board, or its designee, whose final decision shall be appealable to the higher education personnel board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190.

Sec. 7. Section 28B.20.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.100 are each amended to read as follows:

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.

Sec. 8. Section 28B.20.412, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.412 are each amended to read as follows:

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 assistant secretaries for the divisions of health services, social services, service delivery, and vocational rehabilitation services of the department of social and health services; 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.

Sec. 9. Section 28B.20.456, chapter 223, Laws of 1969 ex. sess. and RCW 28B.20.456 are each amended to read as follows:

There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of the director ~~((s))~~ of the department ~~((s))~~ of labor and industries ~~((and health))~~, the assistant secretary for the division of health services of the department of social and health services, the president of ~~((the))~~ the Washington state labor council, the president of the association of Washington ~~((industries))~~ business, the dean of the school of ~~((medicine))~~ public health and community medicine of the University of Washington, the dean of the school of engineering of the University of Washington, the president of the Washington state medical association, or their representatives, and the chairman of the department of ~~((preventive medicine))~~ environmental health of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least

semiannually 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.

Sec. 10. Section 28B.30.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.100 are each amended to read as follows:

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.

Sec. 11. Section 28B.40.100, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.100 are each amended to read as follows:

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((7 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)).

Sec. 12. Section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as amended by section 18, chapter 261, Laws of 1969 ex. sess. 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)) a public school district board of 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 education shall not include education or instruction provided by a vocational-technical institute.

Sec. 13. Section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as amended by section 19, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.050 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, 1967r.)) 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, a member of a K-12 board, 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. 14. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as amended by section 20, chapter 261, Laws of 1969 ex. sess. 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 time to the duties of his office and shall not 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 who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter ~~((41-06))~~ 28B.16 RCW, the ~~((state civil service))~~ higher education personnel 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. 15. Section 28B.50.070, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.070 are each amended to read as follows:

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.

Sec. 16. Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 261, Laws of 1969 ex. sess. 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 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 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)) office of program planning and fiscal management 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 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 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. 17. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as amended by section 22, chapter 261, Laws of 1969 ex. sess. and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor ((from a list of nominees submitted by the nominating committee in accordance with RCW 28B.50.140)). 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))~~ 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 be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

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

Sec. 18. Section 28B.50.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.130 are each amended to read as follows:

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, or his designee, 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.

Sec. 19. Section 17, chapter 15, Laws of 1970 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, 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 advisable; and

(b) Employ necessary employees to govern, manage and operate the same;

(8) May receive such gifts, grants, conveyances, devises and bequests of real or 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;

(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. 20. Section 28B.50.170, chapter 223, Laws of 1969 ex. sess. as amended by section 28, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.170 are each amended to read as follows:

The coordinating council for occupational education shall consist of nine voting members. 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 28B.50.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.200 are each amended to read as follows:

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))~~ coordinating council 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))~~ coordinating council 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))~~ coordinating council.

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)) coordinating council.

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.

Sec. 22. Section 7, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.551 are each amended to read as follows:

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.

Sec. 23. Section 28B.50.570, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.570 are each amended to read as follows:

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.))~~

Sec. 24. Section 42, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.864 are each amended to read as follows:

Any faculty member dismissed pursuant to RCW 28B.50.850 through 28B.50.869 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 34.04.140)) 28B.19.150 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)r))

NEW SECTION. Sec. 25. The following acts or parts of acts are hereby repealed:

(1) Section 3, chapter 283, Laws of 1969 ex. sess. and RCW 28B.10.720;

(2) Section 28B.50.690, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.690;

(3) Section 28B.50.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.700;

(4) Section 28B.50.710, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.710;

(5) Section 28B.50.780, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.780; and

(6) Section 28B.50.790, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.790.

NEW SECTION. Sec. 26. Nothing in this 1973 amendatory act shall be construed to affect any existing right acquired under the statutes amended or repealed herein or the term of office or election or appointment or employment of any person elected, appointed or employed under the statutes amended or repealed herein.

NEW SECTION. Sec. 27. This 1973 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.

NEW SECTION. Sec. 28. If any provision of this 1973 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 February 2, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 63

[House Bill No. 235]

CHILDREN--POW/MIA--EDUCATIONAL BENEFITS

AN ACT Relating to providing educational benefits at certain institutions of education to the children of Washington citizens determined to be prisoners of war or missing in action in Southeast Asia; amending section 1, chapter 17, Laws of 1972 ex. sess. and RCW 28A.09.200; amending section 2, chapter 17, Laws of 1972 ex. sess. and RCW 28B.10.265; and declaring an emergency.

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

Section 1. Section 1, chapter 17, Laws of 1972 ex. sess. and RCW 28A.09.200 are each amended to read as follows:

Children of any person who was a Washington ((citizen)) domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to ((and attend)) any public vocational-technical school within the state without the necessity of paying any registration fees or tuition therefor: PROVIDED, HOWEVER, That such child shall meet such other educational qualifications as such vocational-technical school shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such registration fee or tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

Sec. 2. Section 2, chapter 17, Laws of 1972 ex. sess. and RCW 28B.10.265 are each amended to read as follows:

Children of any person who was a Washington ((citizen)) domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public institution of higher education within the state without the necessity of paying any tuition ((therefor)), operating fees, and service and activities' fees for any and all courses offered at any time including summer term whether attending on a part time or full time basis: PROVIDED, That such child shall meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. Affected institutions shall in

their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section.

NEW SECTION. Sec. 3. This 1973 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: PROVIDED, That qualified applicants under sections 1 and 2 of this 1973 amendatory act shall be admitted to such institutions free of tuition and such fees commencing not later than the next succeeding quarter, semester or like educational period beginning after the effective date of this 1973 amendatory act.

Passed the House February 9, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 64

[House Bill No. 249]

WEATHER MODIFICATION BOARD REVOLVING ACCOUNT--
ABOLISHED--FUNDS TRANSFERRED

AN ACT Relating to the department of ecology; amending section 43.37.010, chapter 8, Laws of 1965 and RCW 43.37.010; amending section 43.37.030, chapter 8, Laws of 1965 and RCW 43.37.030; amending section 43.37.040, chapter 8, Laws of 1965 and RCW 43.37.040; amending section 43.37.050, chapter 8, Laws of 1965 and RCW 43.37.050; amending section 43.37.060, chapter 8, Laws of 1965 and RCW 43.37.060; amending section 43.37.080, chapter 8, Laws of 1965 and RCW 43.37.080; amending section 43.37.090, chapter 8, Laws of 1965 and RCW 43.37.090; amending section 43.37.100, chapter 8, Laws of 1965 and RCW 43.37.100; amending section 43.37.110, chapter 8, Laws of 1965 and RCW 43.37.110; amending section 43.37.120, chapter 8, Laws of 1965 and RCW 43.37.120; amending section 43.37.140, chapter 8, Laws of 1965 and RCW 43.37.140; amending section 43.37.150, chapter 8, Laws of 1965 and RCW 43.37.150; amending section 43.37.160, chapter 8, Laws of 1965 and RCW 43.37.160; amending section 43.37.170, chapter 8, Laws of 1965 and RCW 43.37.170; amending section 43.37.180, chapter 8, Laws of 1965 and RCW 43.37.180; amending section 43.37.190, chapter 8, Laws of 1965 and RCW 43.37.190;

creating new sections; adding a new section to chapter 8, Laws of 1965 and to chapter 43.37 RCW; repealing section 43.37.020, chapter 8, Laws of 1965 and RCW 43.37.020; repealing section 43.37.070, chapter 8, Laws of 1965 and RCW 43.37.070; and providing an effective date.

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

Section 1. Section 43.37.010, chapter 8, Laws of 1965 and RCW 43.37.010 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) ("Board") "Department" means the ((weather modification board)) department of ecology;

(2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere.

Sec. 2. Section 43.37.030, chapter 8, Laws of 1965 and RCW 43.37.030 are each amended to read as follows:

In the performance of its functions the ((board)) department may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the ((board)) department concerning legislation, policies, administration, research, and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the ((board)) department may deem necessary or desirable to minimize danger to health or property; and

make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the ((board)) department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) ((Subject to REW 43.37.0707)) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the ((board's)) department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control.

Sec. 3. Section 43.37.040, chapter 8, Laws of 1965 and RCW 43.37.040 are each amended to read as follows:

The ((board)) department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the ((board)) department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities.

Sec. 4. Section 43.37.050, chapter 8, Laws of 1965 and RCW 43.37.050 are each amended to read as follows:

In the case of hearings pursuant to RCW 43.37.180 the ((board)) department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the ((board)) department, together with its findings and conclusions. For any hearing, ((any member of the board)) the director of the department or a representative designated by ((the board)) him is authorized to administer oaths and affirmations, examine witnesses, and issue, in

the name of the ((board)) department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place.

Sec. 5. Section 43.37.060, chapter 8, Laws of 1965 and RCW 43.37.060 are each amended to read as follows:

(1) The ((board)) department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, ((unless their use is restricted and)) subject to any limitations otherwise provided by law ((for the administration of this chapter and)), for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) ((There is established an account in the general fund to be known as the "weather modification board revolving account.")) All license and permit fees paid to the ((board)) department shall be deposited in ((such account: any accumulation in this account in excess of five thousand dollars shall revert to)) the state((+s)) general fund.

Sec. 6. Section 43.37.080, chapter 8, Laws of 1965 and RCW 43.37.080 are each amended to read as follows:

Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the ((board)) department authorizing such activities.

Sec. 7. Section 43.37.090, chapter 8, Laws of 1965 and RCW 43.37.090 are each amended to read as follows:

The ((board)) department, to the extent it deems practical, shall provide by regulation for exempting from ((the)) license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail.

Sec. 8. Section 43.37.100, chapter 8, Laws 1965 and RCW 43.37.100 are each amended to read as follows:

(1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the ((board)) department,

reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The ((board)) department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the ((board)) department of one hundred dollars for the license or renewal thereof.

Sec. 9. Section 43.37.110, chapter 8, Laws of 1965 and RCW 43.37.110 are each amended to read as follows:

The ((board)) department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

- (1) If the applicant is licensed pursuant to this chapter;
- (2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;
- (3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the ((board)) department but not to exceed twenty thousand dollars;
- (4) If the fee for a permit is paid as required by RCW 43.37.160;
- (5) If the weather modification and control activities to be conducted under authority of the permit are determined by the ((board)) department to be for the general welfare and public good((+));
- (6) If the ((board)) department has held an open public hearing in Olympia as to such issuance.

Sec. 10. Section 43.37.120, chapter 8, Laws of 1965 and RCW 43.37.120 are each amended to read as follows:

A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the ((board)) department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the ((board)) department; and his activities shall also conform to any conditions imposed by the ((board)) department

upon the issuance of the permit or to the terms of the permit as modified after issuance.

Sec. 11. Section 43.37.140, chapter 8, Laws of 1965 and RCW 43.37.140 are each amended to read as follows:

(1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a ((daily)) legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a ((daily)) legal newspaper having a general circulation and published within each of such counties. In case there is no ((daily)) legal newspaper published within the appropriate county, publication shall be made in a ((daily)) legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the ((board)) department within fifteen days from the date of the last publication of the notice.

Sec. 12. Section 43.37.150, chapter 8, Laws 1965 and RCW 43.37.150 are each amended to read as follows:

Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the ((board)) department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit.

Sec. 13. Section 43.37.160, chapter 8, Laws of 1965 and RCW 43.37.160 are each amended to read as follows:

The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the ((board)) department from the evidence available to it. The fee is due and payable to the ((board)) department as of the date of the issuance of the permit; however, if the applicant is able to give to the ((board)) department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license

or to issue any further permits to such person.

Sec. 14. Section 43.37.170, chapter 8, Laws of 1965 and RCW 43.37.170 are each amended to read as follows:

(1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the ((board)) department and shall report the same to the ((board)) department at the time and in the manner required.

(2) The ((board)) department shall require written reports in such manner as it provides but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the ((board)) department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the ((board)) department shall be open for public examination.

Sec. 15. Section 43.37.180, chapter 8, Laws of 1965 and RCW 43.37.180 are each amended to read as follows:

(1) The ((board)) department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The ((board)) department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The ((board)) department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The ((board)) department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the ((board)) department that it is necessary for the protection of the health or the property of any person to make the modification proposed.

Sec. 16. Section 43.37.190, chapter 8, Laws of 1965 and RCW 43.37.190 are each amended to read as follows:

Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the ((board)) department, or any state officials or employees for any

weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups.

NEW SECTION. Sec. 17. There is added to chapter 8, Laws of 1965 and to chapter 43.37 RCW a new section to read as follows:

The weather modification board revolving account is hereby abolished. Any funds remaining in such account shall be transferred to the general fund.

NEW SECTION. Sec. 18. The effective date of this 1973 amendatory act shall be July 1, 1973.

NEW SECTION. Sec. 19. The following acts or parts of acts are each hereby repealed:

(1) Section 43.37.020, chapter 8, Laws of 1965 and RCW 43.37.020; and

(2) Section 43.37.070, chapter 8, Laws of 1965 and RCW 43.37.070.

Passed the House February 10, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 65

[House Bill No. 257]

COUNTY PARK AND RECREATION SERVICE AREAS-- CITY AREA INCLUSION--ENLARGEMENT PROCEDURE

AN ACT Relating to counties; adding new sections to chapter 218, Laws of 1963 and to chapter 36.68 RCW.

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

NEW SECTION. Sec. 1. There is added to chapter 218, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

A park and recreation service area may include any unincorporated area in the state, and when any part of the proposed district lies within the corporate limits of any city or town said resolution or petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

NEW SECTION. Sec. 2. There is added to chapter 218, Laws of 1963 and to chapter 36.68 RCW a new section to read as follows:

After a park and recreation service area has been organized, an additional area may be added by the same procedure within the

proposed additional area as is provided herein for the organization of a park and recreation service area, and all electors within both the organized park and recreation service area and the proposed additional territory shall vote upon the proposition for enlargement.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 66

[House Bill No. 268]

PUBLIC OPEN MEETINGS ACT--EXCLUSIONS

AN ACT Relating to public officers and agencies; amending section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070; amending section 11, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.110; amending section 12, chapter 250, Laws of 1971, ex. sess. and RCW 42.30.120; and amending section 14, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.140.

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

Section 1. Section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070 are each amended to read as follows:

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter; PROVIDED, That they take no action as defined in this chapter.

Sec. 2. Section 11, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.110 are each amended to read as follows:

Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or ((the purchase of real estate)) the acquisition of real estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

Sec. 3. Section 12, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.120 are each amended to read as follows:

Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. ((Reasonable expenses, including attorney's fees, shall be awarded the person bringing the action if the suit results in assessment of the civil penalty. The members held to be in violation shall be personally liable only for their pro rata share of the expenses.))

Sec. 4. Section 14, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.140 are each amended to read as follows:

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as

distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by Title 34 RCW, the administrative procedure act, except as expressly provided in RCW 34.04.025; or

(4) That portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by such governing body during the course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress.

Passed the House February 18, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 67

[House Bill No. 277]

CODE CITIES' BUDGET-FIXING DAY

AN ACT Relating to budgets in code cities; and amending section 35A.33.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.060; and amending section 8, chapter 95, Laws of 1969 1st ex. sess. and RCW 35.33.061.

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

Section 1. Section 35A.33.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.060 are each amended to read as follows:

Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city will meet on or before the first ((business day)) Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city or if there be no newspaper of general circulation in the city, then by posting in three public places fixed by ordinance as the official places for posting the city's official notices.

Section 2. Section 8, chapter 95, Laws of 1969 1st ex. sess. and RCW 35.33.061 are each amended to read as follows:

Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk; that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city or town will meet on or before the first (business day) Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city or town if there is one, otherwise in a newspaper of general circulation in the city or town or if there be no newspaper of general circulation in the city or town, then by posting in three public places fixed by ordinance as the official places for posting the city's or town's official notices.

Passed the House February 8, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 68

[House Bill No. 279]

JUVENILE FOREST CAMP INMATES--
INDUSTRIAL INSURANCE BENEFITS

AN ACT Relating to extending some industrial insurance benefits to certain inmates of juvenile forest camps; adding new sections to chapter 72.05 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 72.05 RCW a new section to read as follows:

No inmate of a juvenile forest camp who is affected by this chapter or receives benefits pursuant to this 1973 act shall be considered as an employee or to be employed by the state or the department of social and health services or the department of natural resources, nor shall any such inmate, except those provided for in section 2 of this 1973 act, come within any of the provisions of the workmen's compensation act, or be entitled to any benefits thereunder, whether on behalf of himself or any other person. All

moneys paid to inmates shall be considered a gratuity.

NEW SECTION. Sec. 2. There is added to chapter 72.05 RCW a new section to read as follows:

From and after the effective date of this 1973 act, any inmate working in a juvenile forest camp established and operated pursuant to RCW 72.05.150, pursuant to an agreement between the department of social and health services and the department of natural resources shall be eligible for the benefits provided by Title 51 RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions provided by this section.

No inmate as described in section 1 of this 1973 act, until released upon an order of parole by the department of social and health services, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW 51.32.090 or 51.32.060 respectively, as now or hereafter amended, or to the benefits of chapter 51.36 RCW relating to medical aid: PROVIDED, That this 1973 act shall not affect the eligibility, payment or distribution of benefits for any industrial injury to the inmate which occurred prior to his existing commitment to the department of social and health services.

Any and all premiums or assessments as may arise under this section pursuant to the provisions of Title 51 RCW shall be the obligation of and be paid by the state department of natural resources.

NEW SECTION. Sec. 3. This 1973 act shall take effect on July 1, 1973.

Passed the House February 15, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 69

[House Bill No. 293]

ASSESSOR'S RECORDS--PUBLIC INSPECTION

AN ACT Relating to records of the assessor; and amending section 84.40.020, chapter 15, Laws of 1961 as amended by section 35, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.020.

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

Section 1. Section 84.40.020, chapter 15, Laws of 1961 as

amended by section 35, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.020 are each amended to read as follows:

All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. Such listing and all supporting documents and records shall be open to public inspection during the regular office hours of the assessor's office: PROVIDED, That confidential income data is exempted from public inspection pursuant to 42.17.310 RCW. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: PROVIDED, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, such stock shall be listed and assessed upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 70

[Engrossed House Bill No. 330]

MISCELLANEOUS AND MUTUAL CORPORATIONS--

INVOLUNTARY DISSOLUTION

AN ACT Relating to miscellaneous and mutual corporations; amending section 58, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.290; amending section 90, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.450; and amending section 91, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.455.

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

Section 1. Section 58, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.290 are each amended to read as follows:

~~((1))~~ Failure of the corporation to file its annual report within the time required shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

~~((Every corporation which shall fail to file its annual report~~

for three consecutive years shall cease to exist as a corporation on the first day of July of the third year in which no report was filed and the secretary of state shall issue a certificate of dissolution.) When a corporation has failed to file its annual report within the time required, the secretary of state shall notify the corporation by first class mail that it shall cease to exist if it does not perform the required act within thirty days after the mailing of notice. If the corporation fails to perform within thirty days, it shall automatically cease to exist.

A corporation which has ceased to exist by operation of this section may be reinstated within a period of three years following its dissolution by operation of the law if it shall file its annual report and in addition pay a reinstatement fee of five dollars plus any other fees that may be due or owing the secretary of state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided by RCW 24.06.335 and thereafter the directors of the corporation shall hold title to the property of the corporation as trustees for the benefit of its creditors and shareholders.

((2) Whenever the secretary of state shall have knowledge of any cause existing under RCW 24.06.285 for the dissolution of a corporation, he shall certify the same to the attorney general and concurrently mail to the corporation at its registered office a notice that such certification has been made. Upon the receipt of such certification, the attorney general shall file an action in the name of the state against the corporation for its dissolution. Every such certificate from the secretary of state to the attorney general pertaining to the failure of a corporation to file an annual report shall be taken and received in all courts as prima facie evidence of the facts therein stated.

(a) If, before such action is filed, the corporation shall appoint or maintain a registered agent as provided in this chapter, or shall file with the secretary of state the required statement of change of registered agent, such fact shall be forthwith certified by the secretary of state to the attorney general and he shall not file an action against such corporation for such cause.

(b) If, after action is filed, the corporation shall appoint or maintain a registered agent as provided in this chapter, or shall file with the secretary of state the required statement of change of registered agent, and shall pay the costs of such action, the action for such cause shall abate.)

Sec. 2. Section 90, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.450 are each amended to read as follows:

The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate

of incorporation, twenty dollars.

(2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.

(5) Filing articles of dissolution, five dollars.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.

(11) Filing a certificate by a foreign corporation of the appointment of a ~~((resident))~~ registered agent, ~~((ten))~~ one dollar~~((s))~~.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a ~~((resident))~~ registered agent, ~~((ten))~~ one dollar~~((s))~~.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, one dollar.

Sec. 3. Section 91, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.455 are each amended to read as follows:

The secretary of state shall charge and collect:

(1) Fifty cents per page and two dollars for the certificate and affixing the seal thereto for furnishing a certified copy of any document, instrument, or paper relating to a corporation.

(2) ~~((Two))~~ Five dollars at the time of any service of process on him as resident agent of any corporation, which may be recovered as taxable costs by the party to the suit or action if such party prevails.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 71

[House Bill No. 331]

FOREIGN CORPORATIONS--REPORT FILING--PENALTY REDUCTION

AN ACT Relating to corporate filing; and amending section 51, chapter 53, Laws of 1965 as last amended by section 1, chapter 133, Laws of 1971 ex. sess. and RCW 23A.08.480.

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

Section 1. Section 51, chapter 53, Laws of 1965 as last amended by section 1, chapter 133, Laws of 1971 ex. sess. and RCW 23A.08.480 are each amended to read as follows:

(1) Every corporation hereafter organized under this title and any foreign corporation authorized to do business in the state of Washington, shall (a) within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, ~~((and))~~ or (b) within thirty days of the issuance of its certificate of authority, file an annual report with the officials and containing the information described in subsections (2)(a) through (2)(d) of this section.

(2) In addition, every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

~~((1))~~ (a) The name of the corporation and the state or ~~((county [country]))~~ country under the laws of which it is incorporated.

~~((2))~~ (b) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

~~((3))~~ (c) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a foreign corporation, which the corporation is actually conducting in this state.

~~((4))~~ (d) The names and respective addresses of the directors and officers of the corporation.

(3) The secretary of state shall file such annual report in his office for the fee of two dollars. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

(4) For every violation of this section there shall become due and owing to the state of Washington the sum of ((twenty-))five dollars which sum shall be collected by the secretary of state ((who shall call upon the attorney general to institute a civil action for the recovery thereof if necessary)).

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 72

[House Bill No. 367]

TEACHERS--WARRANTS

AN ACT Relating to warrants for public school teachers; and amending section 28A.66.050, chapter 223, Laws of 1969 ex. sess. as amended by section 45, chapter 48, Laws of 1971 and RCW 28A.66.050.

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

Section 1. Section 28A.66.050, chapter 223, Laws of 1969 ex. sess. as amended by section 45, chapter 48, Laws of 1971 and RCW 28A.66.050 are each amended to read as follows:

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((7 nor unless a copy of a written contract evidencing employment thereof be filed with the intermediate school district superintendent in accordance with the provisions of law)).

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

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CHAPTER 73

[House Bill No. 436]

UNEMPLOYMENT COMPENSATION--
FEDERAL LAW CONFORMANCE

AN ACT Relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 2, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.030; amending section 19, chapter 35, Laws of 1945 as amended by section 6, chapter 265, Laws of 1951 and RCW 50.04.180; amending section 6, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.355; amending section 60, chapter 35, Laws of 1945 as last amended by section 27, chapter 199, Laws of 1969 ex. sess. and RCW 50.16.010; amending section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 201, Laws of 1969 ex. sess. and RCW 50.16.030; amending section 68, chapter 35, Laws of 1945 as last amended by section 4, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.010; amending section 2, chapter 1, Laws of 1971 and RCW 50.22.010; amending section 120, chapter 35, Laws of 1945 and RCW 50.32.040; amending section 21, chapter 3, Laws of 1971 and RCW 50.44.040; amending section 22, chapter 3, Laws of 1971 and RCW 50.44.050; amending section 24, chapter 3, Laws of 1971 and RCW 50.44.070; repealing section 8, chapter 1, Laws of 1971 and RCW 50.22.070; repealing section 9, chapter 1, Laws of 1971 and RCW 50.22.080; establishing effective dates; and declaring an emergency.

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

Section 1. Section 4, chapter 35, Laws of 1945 as last amended by section 2, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.030 are each amended to read as follows:

"Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week with respect to which the individual next files an application for an initial determination after the ~~((termination))~~ expiration of his last preceding benefit year: PROVIDED, HOWEVER, That ~~((an individual's benefit year is not established unless the determination shows the applicant to have met the wage and employment conditions fixed by law as the minimum for the receipt of benefits: PROVIDED; FURTHER, That))~~ the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate

combining of employment and wages and the interstate payment of benefits.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in "employment" during his base year of not less than the "qualifying annual wage" computed for the calendar year preceding the last June 30th immediately preceding his benefit year and either had "employment" in not less than sixteen weeks of his base year in each of which he earned the "qualifying weekly wage" computed for the second calendar year preceding the calendar year in which each such week ends or had "employment" in not less than six hundred hours of his base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in "employment" during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for his new benefit year.

As the change contained in the third paragraph of this section relating to the weeks worked qualification would invalidate basic data upon which benefit qualification determinations must be made the satisfaction of the weeks worked requirement will require as to base year weeks ending in the second two quarters of 1972 that the individual will have earned not less than the "qualifying weekly wage" computed for the calendar year 1971. Nothing in this paragraph or in the preceding paragraph shall be deemed to justify or support the redetermination of any monetary determination denying the establishment of a benefit year made prior to the effective date of this 1973 amendatory act.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals.

Sec. 2. Section 19, chapter 35, Laws of 1945 as amended by section 6, chapter 265, Laws of 1951 and RCW 50.04.180 are each amended to read as follows:

The term "employment" shall not include service performed by an individual in the employ of his or her spouse, ~~((or by a child~~

under the age of twenty-one in the employ of his father or mother)) nor shall it include service performed by an unmarried individual under the age of eighteen years in the employ of his or her parent or step-parent.

Sec. 3. Section 6, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.355 are each amended to read as follows:

On or before the fifteenth day of June of each year an "average annual wage" ~~((and))~~, an "average weekly wage", a "qualifying annual wage", and a "qualifying weekly wage" shall be computed ~~((for the preceding calendar year))~~ from information for the preceding calendar year reported by all employers as defined in RCW 50.04.080 on employers' contribution reports (including corrections thereof) filed within three months after the close of that year. The "average annual wage" is the quotient derived by dividing total remuneration reported by all employers by the average number of workers reported for all months if the result is not a multiple of one dollar, and rounding the result to the next lower multiple of one dollar. The "average annual wage" thus obtained shall be divided by fifty-two and ~~((rounded))~~ if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar to determine the "average weekly wage". The "qualifying annual wage" shall be computed by multiplying the "average annual wage" by fifteen percent and if the result is not a multiple of fifty dollars, rounding the result to the next lower multiple of fifty dollars. The "qualifying weekly wage" shall be computed by multiplying the "average weekly wage" by fifteen percent and if the result is not a multiple of one dollar, rounding the result to the next lower multiple of one dollar.

Sec. 4. Section 60, chapter 35, Laws of 1945 as last amended by section 27, chapter 199, Laws of 1969 ex. sess. and RCW 50.16.010 are each amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund and an administrative contingency fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable. The unemployment compensation fund shall consist of

- (1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,
- (2) interest earned upon any moneys in the fund,
- (3) any property or securities acquired through the use of moneys belonging to the fund,
- (4) all earnings of such property or securities,
- (5) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the

social security act, as amended,

(6) all money recovered on official bonds for losses sustained by the fund,

(7) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended, ((and))

(8) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and
(9) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title after June 20, 1953, all fines and penalties collected pursuant to the provisions of this title, and all sums recovered on official bonds for losses sustained by the fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. The amount in this fund in excess of one hundred thousand dollars on the close of business of the last day of each calendar quarter shall be immediately transferred to this state's account in the unemployment trust fund. Moneys available in the administrative contingency fund shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

Sec. 5. Section 62, chapter 35, Laws of 1945 as last amended by section 1, chapter 201, Laws of 1969 ex. sess. and RCW 50.16.030 are each amended to read as follows:

(1) Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and repayment of loans from the federal government to guarantee solvency of the unemployment compensation fund in accordance with regulations prescribed by the commissioner, except that money credited to this state's account pursuant to section 903 of the social security act,

V as amended, shall be used exclusively as provided in RCW 50.16.030(5). The commissioner shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as he deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefits account.

(2) Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody, and RCW 43.01.050, as amended, shall not apply. All warrants issued by the treasurer for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of the commissioner, or his duly authorized agent for that purpose.

(3) Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commissioner, shall be redeposited with the secretary of the treasury of the United States of America to the credit of this state's account in the unemployment trust fund.

(4) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this title pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(a) specifies the purposes for which such money is appropriated and the amounts appropriated therefor,

(b) limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law, and

(c) limits the amount which may be obligated during a twelve-month period beginning on July 1st and ending on the next June 30th to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve-month period and the ~~((fourteen))~~ twenty-four preceding twelve-month periods, exceeds (ii) the aggregate of the amounts obligated pursuant to RCW 50.16.030 (4), (5) and (6) and

charged against the amounts credited to the account of this state during any of such (~~fifteen~~) twenty-five twelve-month periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts obligated during any such twelve-month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount obligated for administration during any such twelve-month period may be charged against any amount credited during such a twelve-month period earlier than the (~~fourteenth~~) twenty-fourth preceding such period: PROVIDED, That any amount credited to this state's account under section 903 of the social security act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund shall be excluded from the unemployment compensation fund balance for the purpose of experience rating credit determination.

(5) Money credited to the account of this state pursuant to section 903 of the social security act, as amended, may not be withdrawn or used except for the payment of benefits and for the payment of expenses of administration and of public employment offices pursuant to RCW 50.16.030(4), (5) and (6).

(6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and (6) for the payment of expenses of administration shall be deposited in the unemployment compensation fund, but until expended, shall remain a part of the unemployment compensation fund. The commissioner shall maintain a separate record of the deposit, obligation, expenditure and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended, shall be returned promptly to the account of this state in the unemployment trust fund.

Sec. 6. Section 68, chapter 35, Laws of 1945 as last amended by section 4, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.010 are each amended to read as follows:

An unemployed individual shall be eligible to receive waiting period credits or benefits with respect to any week in his eligibility period only if the commissioner finds that (1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title;

(2) he has filed an application for an initial determination and made a claim for waiting period credit or for benefits in accordance with the provisions of this title;

(3) he is able to work, and is available for work in any trade, occupation, profession, or business for which he is reasonably fitted. To be available for work an individual must be ready, able, and willing, immediately to accept any suitable work which may be offered to him and must be actively seeking work pursuant to customary trade practices and through other methods when so directed by the commissioner or his agents; and

(4) he has been unemployed for a waiting period of one week;

(5) he has within his base year

(a) had both employment in not less than sixteen weeks, in each of which he earned not less than fifteen percent of the "average weekly wage" rounded to the next lower multiple of one dollar, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars; or, in the alternative,

(b) had not less than six hundred hours of employment, and earned total wages of not less than fifteen percent of the "average annual wage" rounded to the next lower multiple of fifty dollars: PROVIDED, HOWEVER, That if the base year wages of the individual's current benefit year, for any benefit year beginning after July 3, 1974, include wages earned prior to the establishment of a prior benefit year, the individual shall not be eligible for benefits, unless, in addition to the other requirements of this section, he has earned wages in the last six months of his base year equal to at least six times the weekly benefit amount to which he would otherwise have been entitled: PROVIDED FURTHER, That for benefit years beginning prior to July 4, 1974, any unemployed individual who earned wages of not less than fifteen percent of the "average annual wage" for calendar year 1969 in his base year shall be deemed to have met the eligibility requirements of this subsection.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his wages at regular intervals).

An individual's eligibility period for regular benefits shall be coincident to his established benefit year. An individual's eligibility period for additional or extended benefits shall be the periods prescribed elsewhere in this title for such benefits.

Sec. 7. Section 2, chapter 1, Laws of 1971 and RCW 50.22.010 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after whichever of the following weeks occurs first:

(i) a week for which there is a national "on" indicator, or

(ii) a week for which there is a state "on" indicator:

PROVIDED, That, as there was a state "on" indicator for the week which was three weeks prior to October 11, 1970, an extended benefit period began on that date.

(b) Ends with the third week after the first week for which there is both a national "off" indicator and a state "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state: AND PROVIDED FURTHER, That prior to January 1, 1972, an extended benefit period may become effective and be terminated in this state solely by reason of a state "on" and a state "off" indicator, respectively.

(2) There is a "national 'on' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states equaled or exceeded four and five-tenths percent.

(3) There is a "national 'off' indicator" for a week if the United States secretary of labor determines that for each of the three most recent calendar months ending before such week, the rate of insured unemployment (seasonally adjusted) for all states was less than four and five-tenths percent.

(4) There is a "state 'on' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section:

(a) equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and

(b) equaled or exceeded four percent.

(5) There is a "state 'off' indicator" for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the

period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (not seasonally adjusted) as determined under the provisions of subsection (6) of this section was either:

(a) Less than one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years; or

(b) Less than four percent.

(6) "Rate of insured unemployment", for purposes of subsections (4) and (5) of this section, means the percentage derived by dividing the average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent thirteen-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States secretary of labor; by the average monthly employment covered under this title for the first four of the most recent six completed calendar quarters ending before the end of such thirteen-week period.

(7) "Regular benefits" means benefits payable to an individual under this title or, under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(8) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than emergency benefits payable to an individual under the provisions of this chapter for weeks of unemployment in his eligibility period.

(9) "Additional benefits" are benefits other than regular benefits or extended benefits. ((The term includes benefits paid or payable pursuant to RCW 50:20-427 for weeks ending prior to October 14, 1970 and emergency benefits as provided for in this chapter.

{40} "Emergency benefits" are additional benefits payable only during the emergency benefit period. The entitlement and eligibility criteria for such benefits are contained in RCW 50:22-080.

{44} "Emergency benefit period" is the only period during which emergency benefits are payable. It is coincident to that extended benefit period which began on October 14, 1970, but in no event shall such emergency benefit period extend beyond October 27, 1971.

{42}) {10} "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period that is in effect in this state and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period.

((43}) {11} "Exhaustee" means an individual who, with

respect to any week of unemployment in his eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were ((available)) payable to him under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week ((: PROVIDED, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to more regular benefits)); or

(b) ((His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new benefit year that would include such week; and

(c) Has no rights to allowances or unemployment benefits, as the case may be, under the railroad unemployment insurance act, the trade expansion act of 1962, or the automotive products trade act of 1965 and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(d) Has not received and is not seeking unemployment benefits under the employment security law of the Virgin Islands or of Canada, but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is an exhaustee:))

Has received, prior to such week, all of the regular benefits that were available to him under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week, after the cancellation of some or all of his wage credits or the total or partial reduction of his rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his current benefit year all of the regular benefits that were payable to him, or available to him, as the case may be, even though (i) as a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his current benefit year, he may subsequently be determined to be entitled to more regular benefits; or (ii) by reason of the seasonal provisions of another state law, he is not entitled to regular benefits with respect to such week of unemployment (although he may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his current benefit year), and he is

otherwise an exhaustee within the meaning of this section with respect to his right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or (iii) having established a benefit year, no regular benefits are payable to him during such year because his wage credits were canceled or his right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His benefit year having ended prior to such week, he has insufficient wages or employment, or both, on the basis of which he could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of the Virgin Islands or Canada, unless the appropriate agency finally determines that he is not entitled to unemployment benefits under such law for such week.

((14)) (12) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954'.

Sec. 8. Section 120, chapter 35, Laws of 1945 and RCW 50.32.040 are each amended to read as follows:

In any proceeding before an appeal tribunal involving a dispute of an individual's initial determination, all matters covered by such initial determination shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving a dispute of an individual's claim for waiting period credit or claim for benefits, all matters and provisions of this title relating to the individual's right to receive such credit or benefits for the period in question shall be deemed to be in issue irrespective of the particular ground or grounds set forth in the notice of appeal.

In any proceeding before an appeal tribunal involving an individual's right to benefits, all parties shall be afforded an opportunity for hearing after not less than seven days' notice. This

provision supersedes the twenty-day notice provision of RCW 34.04.090 as to such cases.

In any proceeding involving an appeal relating to benefit determinations or benefit claims, the appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall render its decision affirming, modifying, or setting aside the determination or decisions of the unemployment compensation division. The parties shall be duly notified of such appeal tribunal's decision together with its reasons therefor, which shall be deemed to be the final decision on the initial determination or the claim for waiting period credit or the claim for benefits unless, within ten days after the date of notification or mailing, whichever is the earlier, of such decision, further appeal is perfected pursuant to the provisions of this title relating to review by the commissioner.

Sec. 9. Section 21, chapter 3, Laws of 1971 and RCW 50.44.040 are each amended to read as follows:

The term "employment" as used in RCW 50.44.010, 50.44.020 and 50.44.030 shall not include service performed:

(1) In the employ of (a) a church or convention or association of churches, or (b) an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(2) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

(3) In the employ of a nongovernmental educational institution, approved or accredited by the state board of education, which is not an "institution of higher education"; or

(4) In a facility conducted for the purpose of carrying out a program of (a) rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or (b) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(5) As part of an unemployment work-relief or work-training program assisted or financed in whole or in part by a federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training; (~~or an agency of a state or political subdivision thereof, by an individual receiving such work-relief or work-training;~~) or

(6) For a hospital in a state prison or other state correctional institution by an inmate of the prison or correctional institution; or

(7) In the employ of a hospital, if such service is performed by a patient of such hospital; or

(8) In the employ of a school, college, or university, if such service is performed (a) by a student who is enrolled and is regularly attending classes at such school, college, or university, or (b) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (ii) such employment will not be covered by any program of unemployment insurance; or

(9) By an individual under the age of twenty-two who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employee, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(10) In the employ of the state or one of its instrumentalities or a political subdivision or one of its instrumentalities by an individual who is (a) occupying an elective office, or (b) who is compensated solely on a fee or per diem basis.

Sec. 10. Section 22, chapter 3, Laws of 1971 and RCW 50.44.050 are each amended to read as follows:

Benefits based on services in employment covered by or pursuant to this chapter shall be payable on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this title(~~;~~ ~~except~~): PROVIDED, HOWEVER, That benefits based on service in an instructional, research or principal administrative capacity in an ((educational)) institution of higher education shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity for ((any educational)) an institution or institutions of higher education for both such academic years or both such terms: PROVIDED, FURTHER, That benefits based on service in an instructional, research, or principal administrative capacity in an educational institution other than an institution of higher education

shall not be paid to an individual for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the individual has a contract or contracts to perform services in any such capacity in an educational institution or institutions other than an institution of higher education for both such academic years or both such terms; PROVIDED, ((HOWEVER)) FURTHER, That any employee of a common school district who is conclusively presumed to have been reemployed pursuant to RCW 28A.67.070 shall be deemed to have a contract for the ensuing term.

Sec. 11. Section 24, chapter 3, Laws of 1971 and RCW 50.44.070 are each amended to read as follows:

In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required within thirty days after the effective date of its election, to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. The amount of such bond or deposit shall be determined in accordance with the provisions of this section.

(1) The amount of the bond or deposit required by this subsection shall be ((equal to two and four-tenths percent of the organization's total wages paid for employment as defined in RCW 50.44.040 for the four calendar quarters immediately preceding the effective date of the election; the renewal date in the case of a bond; or the biennial anniversary of the effective date of election in the case of a deposit of money or securities; whichever date shall be most recent and applicable; if the nonprofit organization did not pay wages in each of such four calendar quarters; the amount of the bond or deposit shall be as determined by the commissioner)) an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect but in no event shall such amount be in excess of the amount which said employer would pay for such year if he were subject to the contribution provisions of this title. The determination made pursuant to this subsection shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent.

(2) Any bond deposited under this section shall be in force for a period of not less than two taxable years and shall be renewed with the approval of the commissioner, at such times as the commissioner may prescribe, but not less frequently than at two-year intervals as long as the organization continues to be liable for

payments in lieu of contributions. The commissioner shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within thirty days of the date notice of the required adjustment was mailed or otherwise delivered to it. Failure by any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties provided for in this title, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

(3) Any deposit of money or securities in accordance with this section shall be retained by the commissioner in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The commissioner may deduct from the money deposited under this section by a nonprofit organization or sell the securities it has so deposited to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in this act. The commissioner shall require the organization within thirty days following any deduction from a money deposit or sale of deposited securities under the provisions of this subsection to deposit sufficient additional money or securities to make whole the organization's deposit at the prior level. Any cash remaining from the sale of such securities shall be a part of the organization's escrow account. The commissioner may, at any time review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary he shall require the organization to make an additional deposit within thirty days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate. Disposition of income from securities held in escrow shall be governed by the applicable provisions of the state law.

(4) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to increase or make whole the amount of a previously made deposit, as provided under this section, the commissioner may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the four-consecutive-calendar-quarter period beginning with the quarter in which termination becomes effective: PROVIDED, That the commissioner may extend for good cause the applicable filing, deposit or adjustment period by not more than thirty days.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 8, chapter 1, Laws of 1971 and RCW 50.22.070; and
(2) Section 9, chapter 1, Laws of 1971 and RCW 50.22.080.

NEW SECTION. Sec. 13. Sections 7, 8, 10, 11, and 12 of this 1973 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 immediately. Sections 1, 2, 3, 4, 5, 6, and 9 of this 1973 amendatory act shall take effect on July 1, 1973.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973, with the exception of Section 5 which is vetoed.

Filed in Office of Secretary of State March 8, 1973.

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

"I am returning herewith without my approval as to a certain item House Bill No. 436 entitled:

"AN ACT Relating to unemployment compensation."

Section 5 of this bill amends RCW 50.16.030 allowing the Employment Security Department to avail itself of certain credits in the unemployment compensation fund provided that such credits were given within the past 25 as opposed to 15 years. It was necessary that this particular provision be enacted prior to legislative action on the balance of House Bill 436 in order to implement the pay increases provided for Employment Security employees in the supplemental budget. That provision was introduced and passed as Senate Bill 2618 and is now chapter 6, Laws of 1973. The language of chapter 6, Laws of 1973, is a slightly later and improved version of the material in section 5. Retention of the material in section 5 would be duplicative therefore I deem it appropriate to veto section 5 of this bill.

The remainder of House Bill No. 436 is approved."

CHAPTER 74

[House Bill No. 455]

IRRIGATION DISTRICTS--SEWER SERVICES--
REVENUE BOND AUTHORITY

AN ACT Relating to irrigation districts; amending section 1, chapter 57, Laws of 1949 and RCW 87.28.010; amending section 2, chapter 57, Laws of 1949 as last amended by section 99, chapter 56, Laws of 1970 ex. sess. and RCW 87.28.020; amending section 3, chapter 57, Laws of 1949 and RCW 87.28.030; and declaring an emergency.

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

Section 1. Section 1, chapter 57, Laws of 1949 and RCW 87.28.010 are each amended to read as follows:

The board of directors of any irrigation district in this state which is furnishing ~~((either))~~ or may furnish domestic water service ~~((or))~~, electric power service, ~~((or both))~~ a system of drains, or a system of sanitary sewer and sewage disposal or treatment plants, or any combination of such services, shall have authority to issue and sell bonds of the district payable from revenues derived from district charges for such service or services for the benefit of such service and the facilities therefor ~~((in the manner hereinafter provided))~~, and the revenues from one or more of the services may be pledged for the retirement of bonds issued for water, sewer, and electric improvements: PROVIDED, That nothing in this section shall authorize a district which is not on the effective date of this 1973 amendatory act engaged in providing electrical service permission to pledge revenue from water and sewer service to support the issuance of revenue bonds for the acquisition or construction of electrical power facilities.

Sec. 2. Section 2, chapter 57, Laws of 1949 as last amended by section 99, chapter 56, Laws of 1970 ex. sess. 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))~~ five thousand dollars, shall be numbered from one and up consecutively; shall bear the date of their issue, shall be payable ~~((serially))~~ at such time or times up to a maximum period of not to exceed ~~((twenty))~~ forty years; shall bear interest at a rate or rates all as authorized by the board of directors 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. 3. Section 3, chapter 57, Laws of 1949 and RCW 87.28.030 are each amended to read as follows:

The board of directors of the issuing district shall have authority and is required to create a special fund to be designated revenue bond fund to be carried in said county treasurer's office for the account of the district for the sole purpose of paying the interest and principal of such bonds, into which special fund said board of directors shall obligate and bind the district to set aside and pay a fixed proportion of the gross revenues from the charges made by the district for the domestic water service and/or the electric power service, and/or sewer service, as the case may be, for which the bonds are issued and such bonds and the interest thereon shall be payable only out of such special fund but shall be a lien and charge against all revenues received for such service or services superior to operating and maintenance expenses of such service.

NEW SECTION. Sec. 4. This 1973 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 February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 75

[House Bill No. 551]

DEPARTMENT OF ECOLOGY--FLOOD CONTROL PROGRAM--
AUTHORITY DELEGATION

AN ACT Relating to flood control; and adding new sections to chapter 159, Laws of 1935 and to chapter 86.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 159, Laws of 1935 and to chapter 86.16 RCW a new section designated as RCW

86.16.085 to read as follows:

(1) The department of ecology may, when requested by the governing body of any county, city or town, delegate to such body the authority to administer the permit program authorized by RCW 86.16.080 for a flood control zone or portions thereof within its jurisdiction if the department determines the requestor has:

(a) the resources, expertise and capability to administer such a program, and

(b) indicated an intention to administer the program in accordance with the provisions of this chapter and the general guidelines contained in rules adopted by the department pertaining to flood control zones.

(2) Any delegation authorized by this act shall take effect on the effective date of an implementing ordinance in a form approved by the department prior to its adoption.

(3) Any permit program delegated under the provisions of this act shall be administered in accordance with this chapter, the rules of the department implementing the act and its ordinance. Whenever the department determines, after a public hearing, that a county, city or town is not administering the program in such manner, it shall notify said local government and, if corrective action is not taken within a reasonable time not to exceed ninety days, the department shall withdraw the delegation.

(4) The department shall be furnished with a copy of each permit issued under a delegated program immediately upon issuance of the permit: PROVIDED, That the department may waive this requirement in its entirety or by category of structure or works.

(5) Any person aggrieved by a ruling on an application for a permit under a delegated program may obtain review thereof before the pollution control hearings board in the same manner as review is obtained for permits issued by the department pursuant to RCW 86.16.080.

NEW SECTION. Sec. 2. There is added to chapter 159, Laws of 1939 and to chapter 86.16 RCW a new section to read as follows:

Nothing in this chapter shall prevent any county, city or town from establishing, pursuant to any authority otherwise available to them, flood control regulation programs and related land use control measures in areas which are subject to flooding or flood damages.

NEW SECTION. Sec. 3. There is added to chapter 159, Laws of 1939 and to chapter 86.16 RCW a new section to read as follows:

For purposes of this chapter "supervisor of flood control" shall mean "department of ecology".

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 76

[House Bill No. 585]

CITY PARK BOARDS--INCREASED MEMBERSHIP

AN ACT Relating to city park commissioners; and amending section 35.23.170, chapter 7, Laws of 1965 and RCW 35.23.170.

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

Section 1. Section 35.23.170, chapter 7, Laws of 1965 and RCW 35.23.170 are each amended to read as follows:

City councils of cities of the second, third and fourth class may provide by ordinance, for a board of park commissioners, not to exceed ((three)) seven in number, to be appointed by the mayor, with the consent of the city council, from citizens of recognized fitness for such position. No person shall be ineligible as a commissioner by reason of sex and no commissioner shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a term of years corresponding in number to the number of commissioners in order that one term shall expire each year. Such board of park commissioners shall have only such powers and authority with respect to the management, supervision, and control of parks and recreational facilities and programs as are granted to it by the legislative body of cities of the second, third, and fourth class.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 77

[House Bill No. 655]

PODIATRISTS--TITLE CHANGE--DEFINED--
QUALIFICATIONS

AN ACT Relating to podiatry; amending section 1, chapter 38, Laws of 1917 as last amended by section 1, chapter 149, Laws of 1955 and RCW 18.22.010; amending section 13, chapter 52, Laws of 1957 and RCW 18.22.020; amending section 18, chapter 38, Laws of 1917 and RCW 18.22.030; amending section 6, chapter 38, Laws of 1917 as last amended by section 19, chapter 292, Laws of 1971 ex. sess. and RCW 18.22.040; amending section 4, chapter 149, Laws of 1955 and RCW 18.22.050; amending section 14, chapter 52, Laws of 1957 as amended by section 1, chapter 97, Laws of 1965 and RCW 18.22.060; amending section 5, chapter 149, Laws of 1955 and RCW 18.22.070; amending section 3, chapter 97, Laws of 1965 and RCW 18.22.081; amending section 15, chapter 52, Laws of 1957 and RCW 18.22.110; amending section 6, chapter 149, Laws of 1955 as last amended by section 4, chapter 266, Laws of 1971 ex. sess. and RCW 18.22.120; amending section 5, chapter 38, Laws of 1917 and RCW 18.22.130; amending section 8, chapter 149, Laws of 1955 and RCW 18.22.140; amending section 9, chapter 149, Laws of 1955 and RCW 18.22.150; amending section 17, chapter 52, Laws of 1957 and RCW 18.22.160; amending section 11, chapter 149, Laws of 1955 and RCW 18.22.185; amending section 16, chapter 38, Laws of 1917 and RCW 18.22.200; amending section 10, chapter 38, Laws of 1917 as last amended by section 4, chapter 48, Laws of 1935 and RCW 18.22.210; amending section 14, chapter 149, Laws of 1955 and RCW 18.22.215; amending section 12, chapter 149, Laws of 1955 and RCW 18.22.230; amending section 12, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.060; amending section 6, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.060; amending section 43.74.010, chapter 8, Laws of 1965 and RCW 43.74.010; amending section 2, chapter 227, Laws of 1971 ex. sess. and RCW 43.74.037; amending section 43.74.040, chapter 8, Laws of 1965 and RCW 43.74.040; amending section 43.74.080, chapter 8, Laws of 1965 and RCW 43.74.080; amending section 1, chapter 227, Laws of 1971 ex. sess. and RCW 43.74.085; amending section 17, chapter 207, Laws of 1961 and RCW 70.98.170; adding a new section to chapter 18.22 RCW; and prescribing penalties.

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

Section 1. Section 1, chapter 38, Laws of 1917 as last amended by section 1, chapter 149, Laws of 1955 and RCW 18.22.010 are

each amended to read as follows:

The practice of ((chiroprady)) podiatry means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot((, except)). A podiatrist is a podiatric physician and surgeon of the foot licensed to treat ailments of the foot, except for:

- (1) Amputation of the foot ((or toes)); and
- (2) The administration of ((an)) a spinal anesthetic or any anesthetic, ((other than local)) which renders the patient unconscious, or the administration and prescription of drugs including narcotics, other than required to perform the services authorized for the treatment of the feet; and
- (3) Treatment of systemic conditions ((or the results and complications thereof)).

Sec. 2. Section 13, chapter 52, Laws of 1957 and RCW 18.22.020 are each amended to read as follows:

It shall be unlawful for any person to practice ((chiroprady)) podiatry in this state unless he first has obtained a license therefor.

Sec. 3. Section 18, chapter 38, Laws of 1917 and RCW 18.22.030 are each amended to read as follows:

Nothing in this chapter contained shall be construed as preventing any licensed physician, surgeon, osteopath, chiropractor, or other person licensed to treat the sick and afflicted, from treating the hands or feet by the methods and means permitted by his license, nor to prevent the domestic administration of family remedies, nor shall this chapter be construed to discriminate against any particular school of medicine or surgery or osteopathy and surgery, or any chiropractic school, or any licensed system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion: PROVIDED, That nothing herein shall be held to apply to or to regulate any kind of treatment by prayer.

Sec. 4. Section 6, chapter 38, Laws of 1917 as last amended by section 19, chapter 292, Laws of 1971 ex. sess. and RCW 18.22.040 are each amended to read as follows:

Before any person shall be permitted to take an examination for the issuance of a ((chiroprady)) podiatry license, he shall furnish the director of motor vehicles with satisfactory proof that:

- (1) He is eighteen years of age or over;
- (2) He is of good moral character; and
- (3) He has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of ((chiroprady)) podiatry having as a minimum requirement not less than four thousand ((one hundred sixty)) two hundred sixteen scholastic hours given over a period of four years with personal

attendance.

"Recognized" means official recognition by the Council of Education of the ((National Association of Chiropractors)) American podiatry association: PROVIDED, That each applicant, prior to the beginning of his course in ((chiropractic)) podiatry or registration or matriculation in a recognized school of ((chiropractic)) podiatry, must have as a minimum requirement, a four years' course in a high school or its equivalent and the successful completion of a two years' residence course of work of college grade leading toward the degree of bachelor of science.

Sec. 5. Section 4, chapter 149, Laws of 1955 and RCW 18.22.050 are each amended to read as follows:

Applicants for a certificate to practice ((chiropractic)) podiatry shall file satisfactory evidence of having pursued in any recognized legally chartered school of ((chiropractic)) podiatry, a course of instruction covering a total of at least four thousand ((one hundred sixty)) two hundred sixteen scholastic hours, including ((the following subjects: Anatomy, histology, physiology, pathology, bacteriology, pharmacy, materia medica, chemistry, dermatology, neurology, chiropractic medicine, preventive chiropractic medicine, surgery, chiropractic, foot orthopedics, shoe therapy, physio-therapy, roentgenology, hygiene and sanitation, ethics)) those subjects that appear on the examinations administered by the national board of podiatry examiners.

Sec. 6. Section 14, chapter 52, Laws of 1957 as amended by section 1, chapter 97, Laws of 1965 and RCW 18.22.060 are each amended to read as follows:

Every applicant for a license to practice ((chiropractic)) podiatry shall pay to the state treasurer a fee of fifty dollars.

An applicant who fails to pass an examination satisfactorily after the expiration of six months from the date of the examination at which he failed, is entitled to a reexamination at a meeting called for the examination of applicants, upon the payment of a fee of twenty-five dollars for each reexamination.

Sec. 7. Section 5, chapter 149, Laws of 1955 and RCW 18.22.070 are each amended to read as follows:

Examinations shall be conducted by an examining committee and shall be written and clinical. ((A minimum of ten questions on each subject shall be given. The examination shall embrace the subjects of: Surgery, dermatology, anatomy, physiology, chemistry, bacteriology, pathology, clinical chiropractic, and ten questions on diagnosis, chiropractic medicine, materia medica, and therapeutics as one subject.))

The minimum requirement for licensing of applicants under this chapter shall be based upon a general average of seventy-five percent

of all the subjects involved, taken collectively, and not less than ((sixty)) seventy percent in any one subject.

Sec. 8. Section 3, chapter 97, Laws of 1965 and RCW 18.22.081 are each amended to read as follows:

Any applicant who has been examined and licensed under the laws of another state, which through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national ((Podiatry)) board of podiatry examiners, may, in the discretion of the examining committee be granted a license without examination on the payment of a fee of fifty dollars to the state treasurer: PROVIDED, That he has not previously failed to pass an examination held in this state. If the applicant was licensed in another state, he must file with the director of licenses a copy of his license certified by the proper authorities of the issuing state to be a full and true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state.

Sec. 9. Section 15, chapter 52, Laws of 1957 and RCW 18.22.110 are each amended to read as follows:

Every holder of a ((chiroprody)) podiatry license shall keep his license on exhibition in a conspicuous place in his office or place of business.

Sec. 10. Section 6, chapter 149, Laws of 1955 as last amended by section 4, chapter 266, Laws of 1971 ex. sess. and RCW 18.22.120 are each amended to read as follows:

Every person practicing ((chiroprody)) podiatry must renew his license each year and pay a renewal fee of not more than twenty-five dollars to be determined by the director as provided in RCW 43.24.085.

Any ((chiroprody)) podiatry license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee.

Sec. 11. Section 5, chapter 38, Laws of 1917 and RCW 18.22.130 are each amended to read as follows:

The director shall keep in a book kept for that purpose, a record showing the name, age, place of residence, the time spent in the study and practice of ((chiroprody)) podiatry, the time spent in schools of ((chiroprody)) podiatry, and the date of graduation therefrom and the degree if any, and the date and number of the license issued to such applicant, and whether the same was issued upon or without examination; and the copy of such record certified by

the director shall be prima facie evidence of the facts therein stated in all courts and all actions and proceedings where proof of such facts is competent.

Sec. 12. Section 8, chapter 149, Laws of 1955 and RCW 18.22.140 are each amended to read as follows:

It shall be unlawful for any person holding a license to practice (~~chiroprody~~) podiatry to:

(1) Practice (~~chiroprody~~) podiatry under any name, except his own, which shall be that used in his license issued by the director; or

(2) Conduct an office for the practice of (~~chiroprody~~) podiatry in his name or use his name in connection with any office for the practice of (~~chiroprody~~) podiatry, unless he is personally present therein operating as a (~~chiroprodist~~) podiatrist or personally overseeing the operations performed in any office during most of the time that that office is being operated; or

(3) (~~offer the rendition of chiroprodial services at a stipulated price or at any variation of such price or as being free;~~ or) Employ a solicitor or solicitors to obtain business; or

(4) (~~Employ a solicitor or solicitors to obtain business;~~ or) Prepare, cause to be prepared, use, or participate in the use of, any form of public communication that contains professionally self-laudatory statements calculated to attract patients; as used herein, "public communications" includes, but is not limited to, communications by means of television, radio, motion picture, newspaper, magazine, or book; or

(5) Hold out to treat successfully or cure all ailments of the foot or leg or any which are manifestly incurable; or

(6) Advertise in newspapers, periodicals, or in bold face type or in any printed matter or by the use of any form of display sign or by means of hand bills, posters, circulars, stereoptican slide, motion pictures, radio, television or any printed publication or medium: PROVIDED, HOWEVER, That he may be listed in any directory in a manner uniform as to type, size and color with others listed therein, may display a dignified sign at the entrance to his office or on the windows thereof, containing (~~not more than~~) his name, degree, the designation (~~chiroprodist and treatment of the foot~~) podiatrist and/or podiatric medicine and surgery and/or podiatric medicine and/or treatment of the foot, and, if he is practicing podiatry through a professional corporation, an appropriate indication of the fact (on his office door and business card, as well), and may use dignified business cards containing his name, title, degree, office and residence address and telephone numbers and his office hours; or

(7) Obtain any fee by fraud or misrepresentation; or

(8) Wilfully betray professional secrets; or

(9) Directly or indirectly employ any person unlicensed as a ((chiropractist)) podiatrist to perform operations of any kind, except dressing following an operation; or

(10) Adopt any means tending to deceive the public or to be habitually intemperate or grossly immoral, or to commit any offense involving moral turpitude, in which case the record of conviction thereof shall be conclusive evidence; or

(11) Obtain by fraud or deceit a license to practice ((chiropracty)) podiatry; or

(12) Use or prescribe for use narcotics in any other way than for therapeutic purposes; or

(13) Offer, undertake or agree to cure any disease or pathological condition of the foot by a secret method, procedure, treatment, or medicine, or to treat, operate, or prescribe for any such condition by a method, means or procedure which the license holder refuses to divulge upon demand of the director of licenses; or

(14) Be guilty of unprofessional conduct as defined in any other act relating to the practice of ((chiropracty)) podiatry.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings to prevent a continuance of the same, and in addition shall constitute a gross misdemeanor.

Sec. 13. Section 9, chapter 149, Laws of 1955 and RCW 18.22.150 are each amended to read as follows:

Upon proof that the holder of a ((chiropracty)) podiatry license:

(1) Has been convicted of the violation of any of the provisions of this chapter or of any crime involving moral turpitude; or

(2) Procured his license by fraud or deceit either in the presentation of any false statement as to his qualifications or in his examination; or

(3) Is guilty of unprofessional conduct or inefficiency in the practice of his profession; the director may revoke his license or suspend it for a period not to exceed six months.

Sec. 14. Section 17, chapter 52, Laws of 1957 and RCW 18.22.160 are each amended to read as follows:

If the director refuses to grant a ((chiropracty)) podiatry license or revokes or suspends one, he shall file in the records of his office a concise statement of the grounds and reasons for his refusal, revocation or suspension. This statement, together with his decision in writing, shall remain a permanent record.

Sec. 15. Section 11, chapter 149, Laws of 1955 and RCW

18.22.185 are each amended to read as follows:

((Chiropractists)) Podiatrists may issue prescriptions valid at any pharmacy for any drug necessary in the practice of ((chiroprody)) podiatry.

Sec. 16. Section 16, chapter 38, Laws of 1917 and RCW 18.22.200 are each amended to read as follows:

It shall be unlawful for any persons licensed to practice ((chiroprody)) podiatry under the provisions of this chapter to use, advertise or display the title "doctor" or its synonyms independent of the title ((Chiropractist)) "podiatrist" or its synonyms, and it shall be unlawful for any person to exhibit as his own any license that has not been issued to him.

Sec. 17. Section 10, chapter 38, Laws of 1917 as last amended by section 4, chapter 48, Laws of 1935 and RCW 18.22.210 are each amended to read as follows:

It shall be deemed prima facie evidence of the practice of ((chiroprody)) podiatry or as holding himself out as a practitioner of ((chiroprody)) podiatry within the meaning of this chapter for any person to treat in any manner the human foot by medical, surgical or mechanical means or appliances, or to use the title ((Chiropractist)) "podiatrist" or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself out to treat, is a ((Chiropractist)) podiatrist: PROVIDED, HOWEVER, That nothing herein contained shall prohibit a duly licensed physician or surgeon from treating the human foot by medical, surgical or mechanical means ((of for)) or appliances.

Sec. 18. Section 14, chapter 149, Laws of 1955 and RCW 18.22.215 are each amended to read as follows:

If any person engages in the practice of ((chiroprody)) podiatry without possessing a valid license so to do, or if he violates the provisions of RCW 18.22.140, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from engaging in the practice of ((chiroprody)) podiatry. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license.

Sec. 19. Section 12, chapter 149, Laws of 1955 and RCW 18.22.230 are each amended to read as follows:

The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The practice of ((chiroprody)) podiatry in the discharge of official duties by ((chiropractists)) podiatrists in the United States armed forces, public health service, Veterans Bureau or Bureau of

Indian Affairs;

(2) Recognized schools of ((chiropredy)) podiatry or colleges of ((chiropredy)) podiatry, and the practice of ((chiropredy)) podiatry by students in such recognized schools or colleges, when acting under the direction and supervision of registered and licensed ((chiropredists)) podiatrists acting as instructors;

(3) The practice of ((chiropredy)) podiatry by licensed ((chiropredists)) podiatrists of other states or countries while appearing as clinicians at meetings of the Washington state ((Chiropredy)) podiatry association or component parts thereof, or at meetings sanctioned by them;

(4) The use of roentgen and other rays for making radiograms or similar records of the feet or portions thereof, under the supervision of a licensed ((chiropredist)) podiatrist or physician.

(5) The practice of podiatry by externs, interns, and residents in training programs approved by the American podiatry association.

Sec. 20. Section 12, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of ((chiropredy)) podiatry as defined in chapter 18.22 RCW.

Sec. 21. Section 6, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.060 are each amended to read as follows:

No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of ((chiroprody)) podiatry as defined in chapter 18.22 RCW.

Sec. 22. Section 43.74.010, chapter 8, Laws of 1965 and RCW 43.74.010 are each amended to read as follows:

There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, ((chiroprody)) podiatry, or drugless therapeutics.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State University, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment.

Sec. 23. Section 2, chapter 227, Laws of 1971 ex. sess. and RCW 43.74.037 are each amended to read as follows:

The committee shall not examine a person in the basic sciences when the board or committee examining that person for a certificate to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or ((chiroprody)) podiatry has waived requirements for that person to be examined in the basic sciences; and that person shall be eligible to be licensed to practice to the same extent as if he had passed the basic science examination provided for in this chapter.

Sec. 24. Section 43.74.040, chapter 8, Laws of 1965 and RCW

43.74.040 are each amended to read as follows:

Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, (~~chiroprody~~) podiatry, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten dollars, the applicant shall be entitled to take the examination.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate.

Sec. 25. Section 43.74.080, chapter 8, Laws of 1965 and RCW 43.74.080 are each amended to read as follows:

This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter (1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927); nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, (~~chiroprody~~) podiatry, or drugless therapeutics; nor to the healing art personnel of the public health service or the armed forces of the United States; who each practice within the limits of the privilege thus granted them.

Sec. 26. Section 1, chapter 227, Laws of 1971 ex. sess. and RCW 43.74.085 are each amended to read as follows:

Notwithstanding any provisions of this chapter to the contrary, an applicant for a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, or podiatry, shall be deemed to have satisfied the requirements of the basic science law by giving proof satisfactory to the committee that he has successfully passed an examination in the basic sciences given by the national examining board for osteopathic physicians and surgeons, or by an equivalent body in the case of applicants for a license to practice medicine and surgery or podiatry.

Sec. 27. Section 17, chapter 207, Laws of 1961 and RCW 70.98.170 are each amended to read as follows:

The operation or maintenance of any x-ray, fluroscopic, or other equipment or apparatus employing roentgen rays, in the fitting of shoes or other footwear or in the viewing of bones in the feet is prohibited. This prohibition does not apply to any licensed physician, surgeon, ((chiropricist)) podiatrist, or any person practicing a licensed healing art, or any technician working under the direct and immediate supervision of such persons.

NEW SECTION. Sec. 28. There is added to chapter 18.22 RCW a new section as follows:

Nothing contained in this 1973 amendatory act shall be construed to require any person who has held a valid chiropody license of this state prior to the effective date of this 1973 amendatory act to meet any further eligibility or examination requirements for a podiatry license.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 78

[House Bill No. 694]

ELECTIONS--MANDATORY POLLING HOURS

AN ACT Relating to elections; and amending section 29.13.080, chapter 9, Laws of 1965 as amended by section 13, chapter 101, Laws of 1965 ex. sess. and RCW 29.13.080 and declaring an emergency.

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

Section 1. Section 29.13.080, chapter 9, Laws of 1965 as amended by section 13, chapter 101, Laws of 1965 ex. sess. and RCW 29.13.080 are each amended to read as follows:

((At every election and primary election the polls must be kept open from eight o'clock a.m. to eight o'clock p.m.: PROVIDED, That the polling hours at a state primary election and state election, general or special, shall be from seven o'clock a.m. to eight o'clock p.m.)) At all primaries and elections, general or special, in all counties the polls must be kept open from seven o'clock a.m. to eight o'clock p.m. All qualified electors who are at the polling place at eight o'clock p.m., shall be allowed to cast their votes.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 79

[House Bill No. 758]

FRATERNAL BENEFIT INSURANCE CERTIFICATES--
VALUATION STANDARDS

AN ACT Relating to fraternal benefit insurance; amending section .32.23, chapter 79, Laws of 1947 and RCW 48.36.230; and repealing section .32.36, chapter 79, Laws of 1947, section 15, chapter 197, Laws of 1953 and RCW 48.36.360.

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

Section 1. Section .32.23, chapter 79, Laws of 1947 and RCW 48.36.230 are each amended to read as follows:

Every society transacting business in this state shall annually, on or before the fifteenth day of March, file with the commissioner in such form as he may require, a statement under oath of its president and secretary, or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for one year ending on that date, and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

In addition to the annual report herein required, each society shall annually report to the commissioner in valuation of its certificates in force on the thirty-first day of December last preceding excluding those issued within the year for which the report is filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: PROVIDED, That the first report of valuation shall be made as of December 31, 1931. Such report of valuation shall show, as contingent liabilities, the present midyear value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and as contingent assets, the present midyear value of the future net contributions provided in the

constitution and laws as the same are in practice actually collected. At the option of any society in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years. Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation ((for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August 23, 1899, or, at the option of the society, any higher table, or at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four percent per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Each society shall value its certificates according to the plan named therein. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society: PROVIDED, That where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation)) shall be according to tables of reliable experience and in such case a separation of the funds shall not be required.

The minimum standard of valuation for all certificates issued on or after the effective date of this act shall be four percent interest and the following tables:

(a) For certificates of life insurance, American men ultimate table of mortality, with Bowerman's or Davis' extension thereof, the commissioners 1941 standard industrial mortality table, the commissioners 1961 standard industrial mortality table, the commissioners 1941 standard ordinary mortality table, or the commissioners 1958 standard ordinary mortality table using an age not more than three years younger than the actual age of the insured for female risks;

(b) For annuity certificates, including life annuities provided or available under optional modes of settlement in such certificates, the 1937 standard annuity mortality table, annuity mortality table for 1949 ultimate, or the 1971 individual annuity mortality table, or any modification of these tables approved by the

commissioner:

(c) For disability benefits issued in connection with life benefit certificate, Hunter's disability table or class III disability table (1926), modified to conform to the contractual waiting period, or the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the society of actuaries with due regard to the type of benefit, any tables of which for active lives shall be combined with a mortality table permitted for calculating the reserves on life insurance certificates;

(d) For accidental death benefits issued in connection with life benefit certificate, the intercompany double indemnity mortality table or the 1959 accidental death benefits table combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(e) For accident and sickness benefits, the society shall maintain an active life reserve which shall place a sound value on its liabilities under such certificates and which shall not be less, in the aggregate than the reserve according to the standards set forth in the regulations issued by the commissioner and, in no event, less than the pro rata gross unearned premium reserve for such certificates.

An annual report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June 1st of each year, or, in lieu thereof, such report of valuation and showing of the society's condition as thereby disclosed may be published in the society's official paper and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of its members, together with the admitted assets, are insufficient to mature its certificates in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from the members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five percent per annum.

NEW SECTION. Sec. 2. Section .32.36, chapter 79, Laws of 1947, section 15, chapter 197, Laws of 1953 and RCW 48.36.360 are each repealed.

Passed the House February 19, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 8, 1973.

Filed in Office of Secretary of State March 8, 1973.

CHAPTER 80

[Senate Bill No. 2386]

WASHINGTON INDUSTRIAL SAFETY AND HEALTH ACT

AN ACT Relating to safe and healthful working conditions for men and women; providing for the regulation of work places subject to the legislative jurisdiction of the state of Washington; providing powers and duties; creating a new chapter in Title 49 RCW; repealing section 2, chapter 70, Laws of 1957 and RCW 49.16.010; repealing section 1, chapter 130, Laws of 1919 and RCW 49.16.020; repealing section 4, chapter 130, Laws of 1919 and RCW 49.16.030; repealing section 5, chapter 130, Laws of 1919 and RCW 49.16.040; repealing section 8, chapter 130, Laws of 1919 and RCW 49.16.050; repealing section 20, chapter 130, Laws of 1919 and RCW 49.16.060; repealing section 21, chapter 130, Laws of 1919 and RCW 49.16.070; repealing section 23, chapter 130, Laws of 1919 and RCW 49.16.080; repealing section 25, chapter 130, Laws of 1919, section 12, chapter 136, Laws of 1923 and RCW 49.16.090; repealing section 26, chapter 130, Laws of 1919 and RCW 49.16.100; repealing section 37, chapter 130, Laws of 1919 and RCW 49.16.110; repealing section 50, chapter 130, Laws of 1919, section 13, chapter 136, Laws of 1923 and RCW 49.16.120; repealing section 67, chapter 130, Laws of 1919 and RCW 49.16.130; repealing section 73, chapter 130, Laws of 1919 and RCW 49.16.150; repealing section 13, chapter 182, Laws of 1921, section 14, chapter 136, Laws of 1923, section 1, chapter 186, Laws of 1943 and RCW 49.16.151; repealing section 30, chapter 74, Laws of 1911 and RCW 49.16.160; repealing section 1, chapter 84, Laws of 1905, section 1, chapter 205, Laws of 1907, section 1, chapter 17, Laws of 1943, section 1, chapter 98, Laws of 1959 and RCW 49.20.010; repealing section 2, chapter 84, Laws of 1905, section 2, chapter 98, Laws of 1959, section 1, chapter 62, Laws of 1963 and RCW 49.20.020; repealing section 3, chapter 84, Laws of 1905 and RCW 49.20.030; repealing section 4,

chapter 84, Laws of 1905, section 2, chapter 205, Laws of 1907, section 3, chapter 98, Laws of 1959 and RCW 49.20.040; repealing section 5, chapter 84, Laws of 1905, section 3, chapter 205, Laws of 1907, section 4, chapter 98, Laws of 1959 and RCW 49.20.050; repealing section 6, chapter 84, Laws of 1905, section 5, chapter 98, Laws of 1959 and RCW 49.20.060; repealing section 11, chapter 84, Laws of 1905, section 5, chapter 205, Laws of 1907, section 6, chapter 98, Laws of 1959 and RCW 49.20.110; creating new sections; providing penalties and procedures for enforcement, review, and appeal; and defining crimes.

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

NEW SECTION. Section 1. The legislature finds that personal injuries and illnesses arising out of conditions of employment impose a substantial burden upon employers and employees in terms of lost production, wage loss, medical expenses, and payment of benefits under the industrial insurance act. Therefore, in the public interest for the welfare of the people of the state of Washington and in order to assure, insofar as may reasonably be possible, safe and healthful working conditions for every man and woman working in the state of Washington, the legislature in the exercise of its police power, and in keeping with the mandates of Article II, section 35 of the state Constitution, declares its purpose by the provisions of this chapter to create, maintain, continue, and enhance the industrial safety and health program of the state, which program shall equal or exceed the standards prescribed by the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 STAT. 1590).

NEW SECTION. Sec. 2. For the purposes of this chapter:

(1) The term "director" means the director of the department of labor and industries, or his designated representative.

(2) The term "department" means the department of labor and industries.

(3) The term "employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: PROVIDED, That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(4) The term "employee" means an employee of an employer who is employed in the business of his employer whether by way of manual

labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer under this chapter whether by way of manual labor or otherwise.

(5) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(6) The term "safety and health standard" means a standard which requires the adoption or use of one or more practices, means, methods, operations, or processes reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(7) The term "work place" means any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

(8) The term "working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

NEW SECTION. Sec. 3. This chapter shall apply with respect to employment performed in any work place within the state. The department of labor and industries shall provide by rule for a schedule of fees and charges to be paid by each employer subject to this chapter who is not subject to or obtaining coverage under the industrial insurance laws and who is not a self-insurer. The fees and charges collected shall be for the purpose of defraying such employer's pro rata share of the expenses of enforcing and administering this chapter.

NEW SECTION. Sec. 4. The director shall make, adopt, modify, and repeal rules and regulations governing safety and health standards for conditions of employment as authorized by this chapter after a public hearing in conformance with the administrative procedure act and the provisions of this chapter. At least thirty days prior to such public hearing, the director shall cause public notice of such hearing to be made in newspapers of general circulation in this state, of the date, time, and place of such public hearing, along with a general description of the subject matter of the proposed rules and information as to where copies of any rules and regulations proposed for adoption may be obtained and with a solicitation for recommendations in writing or suggestions for inclusion or changes in such rules to be submitted not later than

five days prior to such public hearing. Any preexisting rules adopted by the department of labor and industries relating to health and safety standards in work places subject to the jurisdiction of the department shall remain effective insofar as such rules are not inconsistent with the provisions of this chapter.

NEW SECTION. Sec. 5. In the adoption of rules and regulations under the authority of this chapter, the director shall:

(1) Provide for the preparation, adoption, amendment, or repeal of rules and regulations of safety and health standards governing the conditions of employment of general and special application in all work places;

(2) Provide for the adoption of occupational health and safety standards which are at least as effective as those adopted or recognized by the United States secretary of labor under the authority of the Occupational Safety and Health Act of 1970 (Public Law 91-596; 84 STAT. 1590);

(3) Provide a method of encouraging employers and employees in their efforts to reduce the number of safety and health hazards at their work places and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(4) Provide for the promulgation of health and safety standards and the control of conditions in all work places concerning gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents which shall set a standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life; any such standards shall require where appropriate the use of protective devices or equipment and for monitoring or measuring any such gases, vapors, dust, or other airborne particles, toxic materials, or harmful physical agents;

(5) Provide for appropriate reporting procedures by employers with respect to such information relating to conditions of employment which will assist in achieving the objectives of this act;

(6) Provide for the frequency, method, and manner of the making of inspections of work places without advance notice; and,

(7) Provide for the publication and dissemination to employers, employees, and labor organizations and the posting where appropriate by employers of informational, education, or training materials calculated to aid and assist in achieving the objectives of this chapter.

(8) Provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health

education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of this chapter and all applicable safety and health standards and rules and regulations promulgated pursuant to the authority of this chapter;

(9) Provide for the adoption of safety and health standards requiring the use of safeguards in trenches and excavations and around openings of hoistways, hatchways, elevators, stairways, and similar openings;

(10) Provide for the promulgation of health and safety standards requiring the use of safeguards for all vats, pans, trimmers, cut off, gang edger, and other saws, planers, presses, formers, cogs, gearing, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries, and machinery of similar description, which can be effectively guarded with due regard to the ordinary use of such machinery and appliances and the danger to employees therefrom, and with which the employees of any such work place may come in contact while in the performance of their duties and prescribe methods, practices, or processes to be followed by employers which will enhance the health and safety of employees in the performance of their duties when in proximity to machinery or appliances mentioned in this subsection.

NEW SECTION. Sec. 6. Each employer:

(1) Shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees: PROVIDED, That no citation or order assessing a penalty shall be issued to any employer solely under the authority of this subsection except where no applicable rule or regulation has been adopted by the department covering the unsafe or unhealthful condition of employment at the work place; and

(2) Shall comply with the rules, regulations, and orders promulgated under this chapter.

NEW SECTION. Sec. 7. The director, or his authorized representative, in carrying out his duties under this chapter, upon the presentation of appropriate credentials to the owner, manager, operator, or agent in charge, is authorized:

(1) To enter without delay and at all reasonable times the factory, plant, establishment, construction site, or other area, work place, or environment where work is performed by an employee of an employer; and

(2) To inspect, survey, and investigate during regular working

hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such work place and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent, or employee.

(3) In making inspections and making investigations under this chapter the director may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the superior courts. In the case of contumacy, failure, or refusal of any person to obey such an order, any superior court within the jurisdiction of which such person is found, or resides, or transacts business, upon the application of the director, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

NEW SECTION. Sec. 8. (1) Any employer may apply to the director for a temporary order granting a variance from any safety and health standard promulgated by rule or regulation under the authority of this chapter. Such temporary order shall be granted only if the employer files an application which meets the requirements of subsection (2) of this section and establishes that the employer is unable to comply with a safety or health standard because of the unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the safety and health standard or because necessary construction or alteration of facilities cannot be completed by the effective date of such safety and health standard, that he is taking all available steps to safeguard his employees against the hazards covered by the safety and health standard, and he has an effective program for coming into compliance with such safety and health standard as quickly as practicable. Any temporary order issued under the authority of this subsection shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the safety and health standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing upon request of the employer or any affected employee. The name of any affected employee requesting a hearing under the provisions of this subsection shall be confidential and shall not be disclosed without the consent of such employee. The director may issue one interim order to be effective until a determination is made or a decision rendered if a hearing is

demanded. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard, or one year, whichever is shorter, except that such an order may be renewed not more than twice, so long as the requirements of this subsection are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No renewal of a temporary order may remain in effect for longer than one hundred eighty days.

(2) An application for a temporary order under this section shall contain:

(a) A specification of the safety and health standard or portion thereof from which the employer seeks a variance;

(b) A representation by the employer, supported by representations from qualified persons having first hand knowledge of the facts represented, that he is unable to comply with the safety and health standard or portion thereof and a detailed statement of the reasons therefor;

(c) A statement of the steps the employer has taken and will take, with specific dates, to protect employees against the hazard covered by the standard;

(d) A statement as to when the employer expects to be able to comply with the standard or portion thereof and what steps he has taken and will take, with dates specified, to come into compliance with the standard; and

(e) A certification that the employer, by the date of mailing or delivery of the application to the director, has informed his employees of the application by providing a copy thereof to his employees or their authorized representative by posting a copy of such application in a place or places reasonably accessible to all employees or by other appropriate means of notification and by mailing a copy to the authorized representative of such employees; the application shall set forth the manner in which the employees have been so informed. The application shall also advise employees and their employee representatives of their right to apply to the director to conduct a hearing upon the application for a variance.

NEW SECTION. Sec. 9. Any employer may apply to the director for an order for a variance from any rule or regulation establishing a safety and health standard promulgated under this chapter. Affected employees shall be given notice of each such application and in the manner prescribed by section 8 of this act shall be informed of their right to request a hearing on any such application. The director shall issue such order granting a variance, after opportunity for an inspection, if he determines or decides after a hearing has been held, if request for hearing has been made, that the applicant for the variance has demonstrated by a preponderance of the

evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by such applicant employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the safety and health standard or standards from which the variance is sought. The order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. At any time after six months has elapsed from the date of the issuance of the order granting a variance upon application of an employer, employee, or the director on his own motion, after notice has been given in the manner prescribed for the issuance of such order may modify or revoke the order granting the variance from any standard promulgated under the authority of this chapter.

NEW SECTION. Sec. 10. A representative of the employer and a representative employee authorized by the employees of such employer shall be given an opportunity to accompany the director, or his authorized representative, during the physical inspection of any work place for the purpose of aiding such inspection. Where there is no authorized employee representative, the director or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the work place. The director may adopt procedural rules and regulations to implement the provisions of this section: PROVIDED, That neither this section, nor any other provision of this chapter, shall be construed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing concerning wages or standards or conditions of employment which equal or exceed those established under the authority of this chapter.

NEW SECTION. Sec. 11. Each employee shall comply with the provisions of this chapter and all rules, regulations, and orders issued pursuant to the authority of this chapter which are applicable to his own actions and conduct in the course of his employment. Any employee or representative of employees who in good faith believes that a violation of a safety or health standard, promulgated by rule under the authority of this chapter exists that threatens physical harm to employees, or that an imminent danger to such employees exists, may request an inspection of the work place by giving notice to the director or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy of the notice shall be provided the employer or his agent no later than

at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to any provision of this chapter. If upon receipt of such notification the director determines that there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection as soon as practicable, to determine if such violation or danger exists. If the director determines there are no reasonable grounds to believe that a violation or danger exists, he shall notify the employer and the employee or representative of the employees in writing of such determination.

Prior to or during any inspection of a work place, any employee or representative of employees employed in such work place may notify the director or any representative of the director responsible for conducting the inspection, in writing, of any violation of this chapter which he has reason to believe exists in such work place. The director shall, by rule, establish procedures for informal review of any refusal by a representative of the director to issue a citation with respect to any such alleged violation, and shall furnish the employee or representative of employees requesting such review a written statement of the reasons for the director's final disposition of the case.

NEW SECTION. Sec. 12. If upon inspection or investigation the director or his authorized representative believes that an employer has violated a requirement of section 6 of this act, or any safety or health standard promulgated by rule adopted by the director, or the conditions of any order granting a variance pursuant to this chapter, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provisions of the statute, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health. Each citation, or a copy or copies thereof, issued under the authority of this section and section 13 of this act shall be prominently posted, at or near each place a violation referred to in the citation occurred or as may otherwise be prescribed in regulations issued by the director. The director shall provide by rule for procedures to be followed by an employee representative upon written application to receive copies of citations and notices issued to any employer having employees who are represented by such employee

representative. Such rule may prescribe the form of such application, the time for renewal of applications, and the eligibility of the applicant to receive copies of citations and notices. No citation may be issued under this section or section 13 of this act after the expiration of six months following a compliance inspection, investigation, or survey revealing any such violation.

NEW SECTION. Sec. 13. (1) If upon inspection or investigation, the director, or his authorized representative, believes that an employer has violated a requirement of section 6 of this act, or any safety or health standard promulgated by rules of the department, or any conditions of an order granting a variance, which violation is such that a danger exists from which there is a substantial probability that death or serious physical harm could result to any employee, the director or his authorized representative shall issue a citation and may issue an order immediately restraining any such condition, practice, method, process, or means in the work place. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such danger and prohibit the employment or presence of any individual in locations or under conditions where such danger exists, except individuals whose presence is necessary to avoid, correct, or remove such danger or to maintain the capacity of a continuous process operation in order that the resumption of normal operations may be had without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. In addition, if any machine or equipment, or any part thereof, is in violation of a requirement of section 6 of this act or any safety or health standard promulgated by rules of the department, and the operation of such machine or equipment gives rise to a substantial probability that death or serious physical harm could result to any employee, and an order of immediate restraint of the use of such machine or equipment has been issued under this subsection, the use of such machine or equipment is prohibited, and a notice to that effect shall be attached thereto by the director or his authorized representative.

(2) Whenever the director, or his authorized representative, concludes that a condition of employment described in subsection (1) of this section exists in any work place, he shall promptly inform the affected employees and employers of the danger.

(3) At any time that a citation or a citation and order restraining any condition of employment or practice described in subsection (1) of this section is issued by the director, or his authorized representative, he may in addition request the attorney general to make an application to the superior court of the county wherein such condition of employment or practice exists for a

temporary restraining order or such other relief as appears to be appropriate under the circumstances.

NEW SECTION. Sec. 14. (1) If after an inspection or investigation the director or his authorized representative issues a citation under the authority of sections 12 or 13 of this act, the department, within a reasonable time after the termination of such inspection or investigation, shall notify the employer by certified mail of the penalty to be assessed under the authority of section 18 of this act and shall state that the employer has fifteen working days within which to notify the director that he wishes to appeal the citation or assessment of penalty. If, within fifteen working days from the communication of the notice issued by the director the employer fails to notify the director that he intends to appeal the citation or assessment penalty, and no notice is filed by any employee or representative of employees under subsection (3) of this section within such time, the citation and the assessment shall be deemed a final order of the department and not subject to review by any court or agency.

(2) If the director has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted in the citation for its correction, which period shall not begin to run until the entry of a final order in the case of any appeal proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the director shall notify the employer by certified mail of such failure to correct the violation and of the penalty to be assessed under section 18 of this act by reason of such failure, and shall state that the employer has fifteen working days from the communication of such notification and assessment of penalty to notify the director that he wishes to appeal the director's notification of the assessment of penalty. If, within fifteen working days from the receipt of notification issued by the director the employer fails to notify the director that he intends to appeal the notification of assessment of penalty, the notification and assessment of penalty shall be deemed a final order of the department and not subject to review by any court or agency.

(3) If any employer notifies the director that he intends to appeal the citation issued under either section 12 or 13 of this act or notification of the assessment of a penalty issued under subsections (1) or (2) of this section, or if, within fifteen working days from the issuance of a citation under either section 12 or 13 of this act any employee or representative of employees files a notice with the director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the director may reassume jurisdiction over the entire matter, or any

portion thereof upon which notice of intention to appeal has been filed with the director pursuant to this subsection. If the director reassumes jurisdiction of all or any portion of the matter upon which notice of appeal has been filed with the director, any redetermination shall be completed and corrective notices of assessment of penalty, citations, or revised periods of abatement completed within a period of fifteen working days, which redetermination shall then become final subject to direct appeal to the board of industrial insurance appeals within fifteen working days of such redetermination with service of notice of appeal upon the director. In the event that the director does not reassume jurisdiction as provided in this subsection, he shall promptly notify the state board of industrial insurance appeals of all notifications of intention to appeal any such citations, any such notices of assessment of penalty and any employee or representative of employees notice of intention to appeal the period of time fixed for abatement of a violation and in addition certify a full copy of the record in such appeal matters to the board. The director shall adopt rules of procedure for the reassumption of jurisdiction under this subsection affording employers, employees, and employee representatives notice of the reassumption of jurisdiction by the director, and an opportunity to object or support the reassumption of jurisdiction, either in writing or orally at an informal conference to be held prior to the expiration of the fifteen day period. A notice of appeal filed under this section shall stay the effectiveness of any citation or notice of the assessment of a penalty pending review by the board of industrial insurance appeals, but such appeal shall not stay the effectiveness of any order of immediate restraint issued by the director under the authority of section 13 of this act. The board of industrial insurance appeals shall afford an opportunity for a hearing in the case of each such appellant and the department shall be represented in such hearing by the attorney general and the board shall in addition provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subsection. The board shall thereafter make disposition of the issues in accordance with procedures relative to contested cases appealed to the state board of industrial insurance appeals.

Upon application by an employer showing that a good faith effort to comply with the abatement requirements of a citation has been made and that the abatement has not been completed because of factors beyond his control, the director after affording an opportunity for a hearing shall issue an order affirming or modifying the abatement requirements in such citation.

NEW SECTION. Sec. 15. (1) Any person aggrieved by an order

of the board of industrial insurance appeals issued under subsection (3) of section 14 of this act may obtain a review of such order in the superior court for the county in which the violation is alleged to have occurred, by filing in such court within thirty days following the communication of the board's order or denial of any petition or petitions for review, a written notice of appeal praying that the order be modified or set aside. A copy of such notice of appeal shall be forthwith transmitted by the clerk of the court to the board of industrial insurance appeals and to all parties to the proceedings before the board, and thereupon the board shall file in the court the complete record of the proceedings. Upon such filing the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings and the record of proceedings a decree affirming, modifying, or setting aside in all or in part, the decision of the board of industrial insurance appeals and enforcing the same to the extent that such order is affirmed or modified. The commencement of appellate proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the board of industrial insurance appeals. No objection that has not been urged before the board shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the board or hearing examiner where the board has denied a petition or petitions for review with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the board, the court may order such additional evidence to be taken before the board and to be made a part of the record. The board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact are supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and the judgment and decree shall be final, except as the same shall be subject to review by the supreme court. Appeals filed under this subsection shall be heard expeditiously.

(2) The director may also obtain review or enforcement of any

final order of the board by filing a petition for such relief in the superior court for the county in which the alleged violation occurred. The provisions of subsection (1) of this section shall govern such proceeding to the extent applicable. If a notice of appeal, as provided in subsection (1) of this section, is not filed within thirty days after service of the board's order, the board's findings of fact, decision, and order or the examiner's findings of fact, decision, and order when a petition or petitions for review have been denied shall be conclusive in connection with any petition for enforcement which is filed by the director after the expiration of such thirty day period. In any such case, as well as in the case of an unappealed citation or a notification of the assessment of a penalty by the director, which has become a final order under subsection (1) or (2) of section 14 of this act upon application of the director, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the citation and notice of assessment of penalty and shall transmit a copy of such decree to the director and the employer named in the director's petition. In any contempt proceeding brought to enforce a decree of the superior court entered pursuant to this subsection or subsection (1) of this section the superior court may assess the penalties provided in section 18 of this act, in addition to invoking any other available remedies.

NEW SECTION. Sec. 16. (1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this section may, within thirty days after such violation occurs, file a complaint with the director alleging such discrimination. Upon receipt of such complaint, the director shall cause such investigation to be made as he deems appropriate. If upon such investigation, the director determines that the provisions of this section have been violated, he shall bring an action in the superior court of the county wherein the violation is alleged to have occurred against the person or persons who is alleged to have violated the provisions of this section. If the director determines that the provisions of this section have not been violated, the employee may institute the action on his own behalf within thirty days of such determination. In any such action the superior court shall have jurisdiction, for cause shown, to restrain violations of subsection

(1) of this section and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within ninety days of the receipt of the complaint filed under this section, the director shall notify the complainant of his determination under subsection (2) of this section.

NEW SECTION. Sec. 17. (1) In addition to and after having invoked the powers of restraint vested in the director as provided in section 13 of this act the superior courts of the state of Washington shall have jurisdiction upon petition of the director, through the attorney general, to enjoin any condition or practice in any work place from which there is a substantial probability that death or serious physical harm could result to any employee immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such danger and prohibit the employment or presence of any individual in locations or under conditions where such danger exists, except individuals whose presence is necessary to avoid, correct, or remove such danger or to maintain the capacity of a continuous process operation to resume normal operation without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(2) Upon the filing of any such petition the superior courts of the state of Washington shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of enforcement proceedings pursuant to this chapter, except that no temporary restraining order issued without notice shall be effective for a period longer than five working days.

(3) Whenever and as soon as any authorized representative of the director concludes that a condition or practice described in subsection (1) exists in any work place, he shall inform the affected employees and employers of the danger and may recommend to the director that relief be sought under this section.

(4) If the director arbitrarily or capriciously fails to invoke his restraining authority under section 13 of this act or fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the director in the superior court for the county in which the danger is alleged to exist for a writ of mandamus to compel the director to seek such an order and for such further relief as may be appropriate or seek the director to exercise his restraining authority under section 13 of this act.

NEW SECTION. Sec. 18. (1) Any employer who wilfully or

repeatedly violates the requirements of section 6 of this act, or any safety and health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under sections 8 or 9 of this act may be assessed a civil penalty not to exceed ten thousand dollars for each violation.

(2) Any employer who has received a citation for a serious violation of the requirements of section 6 of this act, of any safety or health standard promulgated under the authority of this chapter, of any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under sections 8 or 9 of this act as determined in accordance with subsection (6) of this section, shall be assessed a civil penalty not to exceed one thousand dollars for each such violation.

(3) Any employer who has received a citation for a violation of the requirements of section 6 of this chapter, of any safety and health standard promulgated under this chapter, or any existing rule or regulation governing the conditions of employment promulgated by the department, or of any order issued granting a variance under sections 8 or 9 of this act, where such violation is specifically determined not to be of a serious nature as provided in subsection (6) of this section, may be assessed a civil penalty not to exceed one thousand dollars for each such violation, unless such violation is determined to be de minimus.

(4) Any employer who fails to correct a violation for which a citation has been issued under sections 12 or 13 of this act within the period permitted for its correction, which period shall not begin to run until the date of the final order of the board of industrial insurance appeals in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a civil penalty of not more than one thousand dollars for each day during which such failure or violation continues.

(5) Any employer who violates any of the posting requirements of this chapter, or any of the posting requirements of rules promulgated by the department pursuant to this chapter related to employee or employee representative's rights to notice, including but not limited to those employee rights to notice set forth in sections 8, 9, 12, 13, 22(1) and 24(2) of this act, shall be assessed a penalty of not to exceed one thousand dollars for each such violation. Any employer who violates any of the posting requirements for the posting of informational, educational, or training materials under the authority of section 5(7) of this act, may be assessed a

penalty of not to exceed five hundred dollars for each such violation.

(6) For the purposes of this section, a serious violation shall be deemed to exist in a work place if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such work place, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(7) The director, or his authorized representatives, shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the number of affected employees of the employer being charged, the gravity of the violation, the size of the employer's business, the good faith of the employer, and the history of previous violations.

(8) Civil penalties imposed under this chapter shall be paid to the director for deposit in the supplemental pension fund established by RCW 51.44.033. Civil penalties may be recovered in a civil action in the name of the department brought in the superior court of the county where the violation is alleged to have occurred, or the department may utilize the procedures for collection of civil penalties as set forth in RCW 51.48.120 through 51.48.150.

NEW SECTION. Sec. 19. (1) Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the director or his authorized representative, shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(2) Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both.

(3) Any employer who wilfully and knowingly violates the requirements of section 6 of this act, any safety and health standard promulgated under this chapter, any existing rule or regulation governing the safety and health conditions of employment and adopted by the director, or any order issued granting a variance under sections 8 or 9 of this act and that violation caused death to any employee shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than six months or by both; except, that if

the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than twenty thousand dollars or by imprisonment for not more than one year, or by both.

(4) Any employer who has been issued an order immediately restraining a condition, practice, method, process, or means in the work place, pursuant to section 13 or 17 of this act, and who nevertheless continues such condition, practice, method, process, or means, or who continues to use a machine or equipment or part thereof to which a notice prohibiting such use has been attached, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months, or by both.

(5) Any employer who shall knowingly remove, displace, damage, or destroy, or cause to be removed, displaced, damaged, or destroyed any safety device or safeguard required to be present and maintained by any safety or health standard, rule, or order promulgated pursuant to this act, or pursuant to the authority vested in the director under RCW 43.22.050 shall, upon conviction, be guilty of a misdemeanor and be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days, or by both.

(6) Whenever the director has reasonable cause to believe that any provision of this section defining a crime has been violated by an employer, the director shall cause a record of such alleged violation to be prepared, a copy of which shall be referred to the prosecuting attorney of the county wherein such alleged violation occurred, and the prosecuting attorney of such county shall in writing advise the director of the disposition he shall make of the alleged violation.

NEW SECTION. Sec. 20. All information reported to or otherwise obtained by the director, or his authorized representative, in connection with any inspection or proceeding under the authority of this chapter, which contains or which might reveal a trade secret shall be considered confidential, except that such information may be disclosed to other officers or employees concerned with carrying out this chapter, or when relevant in any proceeding under this chapter. In any such proceeding the director, the board of industrial insurance appeals, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

NEW SECTION. Sec. 21. The director is authorized to conduct, either directly or by grant or contract, research, experiments, and demonstrations as may be of aid and assistance in the furtherance of the objects and purposes of this chapter. The director, in his discretion, is authorized to grant a variance from any rule or

regulation or portion thereof, whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by the director, which experiment is designed to demonstrate or validate new and improved techniques to safeguard the health or safety of employees. Any such variance shall require that all due regard be given to the health and safety of all employees participating in any experiment.

NEW SECTION. Sec. 22. (1) Each employer shall make, keep, and preserve, and make available to the director such records regarding his activities relating to this chapter as the director may prescribe by regulation as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this section such regulations may include provisions requiring employers to conduct periodic inspections. The director shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable safety and health standards.

(2) The director shall prescribe regulations requiring employers to maintain accurate records, and to make periodic reports of work-related deaths, and of injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

(3) The director shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by any applicable safety and health standard promulgated under this chapter and shall inform any employee who is being thus exposed of the corrective action being taken.

NEW SECTION. Sec. 23. The director is authorized to adopt by rule any provision reasonably necessary to enable this state to qualify a state plan under section 18 of the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 STAT. 1590) to enable this

state to assume the responsibility for the development and enforcement of occupational safety and health standards in all work places within this state subject to the legislative jurisdiction of the state of Washington. The director is authorized to enter into agreement with the United States and to accept on behalf of the state of Washington grants of funds to implement the development and enforcement of this chapter and the Occupational Safety and Health Act of 1970.

NEW SECTION. Sec. 24. (1) The director in the promulgation of rules under the authority of this chapter shall establish safety and health standards for conditions of employment of general and/or specific applicability for all industries, businesses, occupations, crafts, trades, and employments subject to the provisions of this chapter, or those that are a national or accepted federal standard. In adopting safety and health standards for conditions of employment, the director shall solicit and give due regard to all recommendations by any employer, employee, or labor representative of employees.

(2) Any safety and health standard adopted by rule of the director shall, where appropriate, prescribe the use of labels or other forms of warning to insure that employees are apprised of all hazards to which they may be exposed, relevant symptoms, and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such rules shall so prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be reasonably necessary for the protection of employees. In addition, where appropriate, any such rule shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event that such medical examinations are in the nature of research, as determined by the director, such examinations may be furnished at the expense of the department. The results of such examinations or tests shall be furnished only to the director, other appropriate agencies of government, and at the request of the employee to his physician.

(3) Whenever the director adopts by rule any safety and health standard he may at the same time provide by rule the effective date of such standard which shall not be less than thirty days, excepting emergency rules, but may be made effective at such time in excess of thirty days from the date of adoption as specified in any rule adopting a safety and health standard. Any rule not made effective thirty days after adoption, having a delayed effectiveness in excess

of thirty days, may only be made upon a finding made by the director that such delayed effectiveness of the rule is reasonably necessary to afford the affected employers a reasonable opportunity to make changes in methods, means, or practices to meet the requirements of the adopted rule. Temporary orders granting a variance may be utilized by the director in lieu of the delayed effectiveness in the adoption of any rule.

NEW SECTION. Sec. 25. (1) In carrying out his responsibilities for the development of a voluntary compliance program under the authority of section 5 (8) of this act and the rendering of advisory and consultative services to employers, the director may grant an employer's application for advice and consultation, and for the purpose of affording such consultation and advice visit the employer's work place. Such consultation and advice shall be limited to the matters specified in the request affecting the interpretation and applicability of safety and health standards to the conditions, structures, machines, equipment, apparatus, devices, materials, methods, means, and practices in the employer's work place. The director in granting any requests for consultative or advisory service may provide for an alternative means of affording consultation and advice other than on-site consultation.

(2) The director, or his authorized representative, may make recommendations regarding the elimination of any hazards disclosed within the scope of the on-site consultation. No visit to an employer's work place shall be regarded as an inspection or investigation under the authority of this chapter, and no notices or citations shall be issued, nor, shall any civil penalties be assessed upon such visit, nor shall any authorized representative of the director designated to render advice and consult with employers under the voluntary compliance program have any enforcement authority: PROVIDED, That in the event an on-site visit discloses a serious violation of a health and safety standard as defined in section 18 (6) of this act, and the hazard of such violation is either not abated by the cooperative action of the employer, or, is not subject to being satisfactorily abated by the cooperative action of the employer, the director shall either invoke the administrative restraining authority provided in section 13 of this act or seek the issuance of injunctive process under the authority of section 17 of this act or invoke both such remedies.

(3) Nothing in this section shall be construed as providing immunity to any employer who has made application for consultative services during the pendency of the granting of such application from inspections or investigations conducted under section 7 of this act or any inspection conducted as a result of a complaint, nor immunity from inspections under section 7 of this act or inspections resulting

from a complaint subsequent to the conclusion of the consultative period. This section shall not be construed as requiring an inspection under section 7 of this act of any work place which has been visited for consultative purposes. However, in the event of a subsequent inspection, the director, or his authorized representative, may in his discretion take into consideration any information obtained during the consultation visit of that work place in determining the nature of an alleged violation and the amount of penalties to be assessed, if any. Such rules and regulations to be promulgated pursuant to this section shall provide that in all instances of serious violations as defined in section 18(6) of this act which are disclosed in any consultative period, shall be corrected within a specified period of time at the expiration of which an inspection will be conducted under the authority of section 7 of this act. All employers requesting consultative services shall be advised of the provisions of this section and the rules adopted by the director relating to the voluntary compliance program. The director may provide by rule for the frequency, manner, and method of the rendering of consultative services to employers, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such a manner as not to jeopardize the enforcement requirements of this chapter.

NEW SECTION. Sec. 26. In furtherance of the objects and purposes of this chapter, the director shall develop and maintain an effective program of collection, compilation, and analysis of industrial safety and health statistics. The director, or his authorized representative, shall investigate and analyze industrial catastrophies, serious injuries, and fatalities occurring in any work place subject to this chapter, in an effort to ascertain whether such injury or fatality occurred as the result of a violation of this chapter, or any safety and health standard, rule, or order promulgated pursuant to this chapter, or if not, whether a safety and health standard or rule should be promulgated for application to such circumstances. The director shall adopt rules relating to the conducting and reporting of such investigations. Such investigative report shall be deemed confidential and only available upon order of the superior court after notice to the director and an opportunity for hearing: PROVIDED, That such investigative reports shall be made available without the necessity of obtaining a court order, to employees of governmental agencies in the performance of their official duties, to the injured workman or his legal representative or his labor organization representative, or to the legal representative or labor organization representative of a deceased workman who was the subject of an investigation, or to the employer of the injured or deceased workman or any other employer or person

whose actions or business operation is the subject of the report of investigation, or any attorney representing a party in any pending legal action in which an investigative report constitutes relevant and material evidence in such legal action.

NEW SECTION. Sec. 27. The department shall be the sole and paramount administrative agency responsible for the administration of the provisions of this chapter, and any other agency of the state or any municipal corporation or political subdivision of the state having administrative authority over the inspection, survey, investigation, or any regulatory or enforcement authority of safety and health standards related to the health and safety of employees in any work place subject to this chapter, shall be required, notwithstanding any statute to the contrary, to exercise such authority as provided in this chapter and subject to interagency agreement or agreements with the department made under the authority of the interlocal cooperation act (Chapter 39.34 RCW) relative to the procedures to be followed in the enforcement of this chapter: PROVIDED, That in relation to employers using or possessing sources of ionizing radiation the department of labor and industries and the department of social and health services shall agree upon mutual policies, rules, and regulations compatible with policies, rules, and regulations adopted pursuant to chapter 70.98 RCW insofar as such policies, rules, and regulations are not inconsistent with the provisions of this chapter.

NEW SECTION. Sec. 28. The following acts or parts of acts are each hereby repealed:

- (1) Section 2, chapter 70, Laws of 1957 and RCW 49.16.010;
- (2) Section 1, chapter 130, Laws of 1919 and RCW 49.16.020;
- (3) Section 4, chapter 130, Laws of 1919 and RCW 49.16.030;
- (4) Section 5, chapter 130, Laws of 1919 and RCW 49.16.040;
- (5) Section 8, chapter 130, Laws of 1919 and RCW 49.16.050;
- (6) Section 20, chapter 130, Laws of 1919 and RCW 49.16.060;
- (7) Section 21, chapter 130, Laws of 1919 and RCW 49.16.070;
- (8) Section 23, chapter 130, Laws of 1919 and RCW 49.16.080;
- (9) Section 25, chapter 130, Laws of 1919, section 12, chapter 136, Laws of 1923 and RCW 49.16.090;
- (10) Section 26, chapter 130, Laws of 1919 and RCW 49.16.100;
- (11) Section 37, chapter 130, Laws of 1919 and RCW 49.16.110;
- (12) Section 50, chapter 130, Laws of 1919, section 13, chapter 136, Laws of 1923 and RCW 49.16.120;
- (13) Section 67, chapter 130, Laws of 1919 and RCW 49.16.130;
- (14) Section 73, chapter 130, Laws of 1919 and RCW 49.16.150;
- (15) Section 13, chapter 182, Laws of 1921, section 14, chapter 136, Laws of 1923, section 1, chapter 186, Laws of 1943 and RCW 49.16.151;

- (16) Section 30, chapter 74, Laws of 1911 and RCW 49.16.160;
- (17) Section 1, chapter 84, Laws of 1905, section 1, chapter 205, Laws of 1907, section 1, chapter 17, Laws of 1943, section 1, chapter 98, Laws of 1959 and RCW 49.20.010;
- (18) Section 2, chapter 84, Laws of 1905, section 2, chapter 98, Laws of 1959, section 1, chapter 62, Laws of 1963 and RCW 49.20.020;
- (19) Section 3, chapter 84, Laws of 1905 and RCW 49.20.030;
- (20) Section 4, chapter 84, Laws of 1905, section 2, chapter 205, Laws of 1907, section 3, chapter 98, Laws of 1959 and RCW 49.20.040;
- (21) Section 5, chapter 84, Laws of 1905, section 3, chapter 205, Laws of 1907, section 4, chapter 98, Laws of 1959 and RCW 49.20.050;
- (22) Section 6, chapter 84, Laws of 1905, section 5, chapter 98, Laws of 1959 and RCW 49.20.060; and
- (23) Section 11, chapter 84, Laws of 1905, section 5, chapter 205, Laws of 1907, section 6, chapter 98, Laws of 1959 and RCW 49.20.110.

NEW SECTION. Sec. 29. This act shall be known and cited as the Washington Industrial Safety and Health Act of 1973.

NEW SECTION. Sec. 30. 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. 31. Sections 1 through 27 and section 29 of this act shall constitute a new chapter in Title 49 RCW.

Passed the Senate February 7, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 9, 1973.

Filed in Office of Secretary of State March 9, 1973.

CHAPTER 81

[Senate Bill No. 2194]

NEEDY OR DISADVANTAGED STUDENTS--
FINANCIAL ASSISTANCE GRANTS

40 AN ACT Relating to needy or disadvantaged elementary and secondary
41 students; adding a new section to chapter 223, Laws of 1969
42 ex. sess. and to chapter 28A.04 RCW; adding new sections to
43 chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW;
44 and providing penalties.
45 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

In addition to other powers and duties, the state board of education shall adopt rules and regulations for the administration of a student financial assistance program for needy and disadvantaged elementary and secondary students as provided for in sections 2 through 7 of this 1973 act.

NEW SECTION. Sec. 2. As used in sections 1 through 7 of this 1973 act:

(1) "Approved elementary school" shall mean a public or private school carrying out any or all of grades one through eight and approved by the state board of education as provided in RCW 28A.04.120(4).

(2) "Accredited secondary school" shall mean a public or private school carrying out any or all of grades nine through twelve and accredited by the state board of education as provided in RCW 28A.04.120(4).

(3) "Needy student" shall mean a student accepted at or attending an approved elementary or accredited secondary school who demonstrates to the state board of education the financial inability of such student's family to meet the total cost of supplies, books, tuition, and incidental and other fees for any school term. Board and room may be considered by the state board of education as a factor in financial inability only in those cases where living apart from the family is deemed necessary for the educational advancement of the student.

(4) "Disadvantaged student" shall mean a student attending an approved elementary or accredited secondary school who by reason of adverse cultural, educational, environmental, experimental, familial, or other circumstances is deemed by the state board of education as being highly probable of not continuing in the school the student is enrolled in either on a part or full time basis, without financial assistance.

NEW SECTION. Sec. 3. The state board of education shall determine and establish criteria for ascertaining the financial need of the individual applicant. In making this determination the state board of education shall consider the following:

- (1) Assets and income of the student;
- (2) Assets and income of the parents or the individuals legally responsible for the care and maintenance of the student;
- (3) The cost of attending the school the student is attending or planning to attend; and
- (4) All other criteria deemed relevant to the state board of education.

The amount awarded by the state board of education to any one student in any one school year shall not exceed the financial gap between the budgetary cost of attending an approved elementary school or accredited secondary school in the state of Washington and the family and student contribution: PROVIDED, That the maximum state grant of financial assistance shall not exceed in any one school year, including summer sessions, the sum of three hundred dollars per secondary student and one hundred dollars per elementary student: PROVIDED FURTHER, That no student shall be granted financial assistance to attend a private school unless the financial assistance required from the state, after other scholarship grants and loans are deducted, is three hundred dollars per year or less per secondary student and one hundred dollars per year or less per elementary student: AND PROVIDED FURTHER, That a substantial portion, and in any event not less than twenty-five percent of the students receiving assistance under the authority granted in this 1973 act, shall be students attending the public schools.

NEW SECTION. Sec. 4. The state board of education shall make awards to needy and disadvantaged students on a priority basis by ranking the qualified applicants according to financial need and such other considerations as deemed appropriate and within the purposes of this 1973 act by the state board of education. Awards shall be granted to the highest ranked students until the total amount of funds allocated for this purpose are disbursed.

NEW SECTION. Sec. 5. All student financial aid shall be granted by the state board of education without regard to the applicant's race, creed, color, marital status, religion, sex, or ancestry.

NEW SECTION. Sec. 6. The state board of education shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source and to sell or otherwise dispose of the same for the purpose of granting financial aid in addition to that funded by the state.

NEW SECTION. Sec. 7. A state financial aid recipient under this 1973 act shall apply the award solely toward the cost of supplies, books, tuition, incidental and other fees or such other authorized expenditures as the state board of education shall deem proper, subject to denial of further financial aid for any such recipient not so doing.

NEW SECTION. Sec. 8. Sections 2 through 7 of this 1973 act shall be added to chapter 223, Laws of 1969 [ex. sess.] and to chapter 28A.58 RCW.

NEW SECTION. Sec. 9. If any provision of this 1973 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 February 12, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 13, 1973.

Filed in Office of Secretary of State March 13, 1973.

CHAPTER 82

[Engrossed Senate Bill No. 2033]

STATE BALLOT MEASURE RECOUNT--STATE EXPENSE

AN ACT Relating to the recount of ballot measures; and adding two new sections to chapter 9, Laws of 1965 and to chapter 29.64 RCW.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.64 RCW a new section to read as follows:

When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a state-wide measure and the number of votes cast for the rejection of such measure is not more than one-half of one percent of the total number of votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the manner provided by RCW 29.64.030 and 29.64.040, and the cost of such recount shall be at state expense.

NEW SECTION. Sec. 2. There is added to chapter 9, laws of 1965 and to chapter 29.64 RCW a new section to read as follows:

Each county auditor shall file with the state auditor a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in section 1 of this 1973 amendatory act. The state auditor shall compile such claims for presentation to the next succeeding session, regular or extraordinary, of the legislature in the same manner as other legislative relief claims.

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 83

[Engrossed Senate Bill No. 2039]

CURB RAMPING--PHYSICALLY HANDICAPPED, ACCESS

AN ACT Relating to cities and towns; and adding a new section to chapter 7, Laws of 1965 and chapter 35.68 RCW.

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

NEW SECTION. Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.68 RCW a new section to read as follows:

(1) The standard for construction of curbs on each side of any city or town street, or any connecting street or town road for which curbs and sidewalks have been prescribed by the governing body of the town or city having jurisdiction thereover, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

Passed the Senate February 1, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 84

[Engrossed Senate Bill No. 2042]

CIVIL PROCEDURE--ATTORNEYS' FEES

ALLOWANCE

AN ACT Relating to civil procedure; providing for allowances of attorneys' fees as costs in certain actions; and adding new sections to chapter 4.84 RCW.

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

NEW SECTION. Section 1. Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is one thousand dollars or less, there shall be taxed and allowed to the prevailing party as a part of the

costs of the action a reasonable amount to be fixed by the court as attorneys' fees.

NEW SECTION. Sec. 2. The plaintiff, or party seeking relief, shall be deemed the prevailing party within the meaning of section 1 of this 1973 act when the recovery, exclusive of costs, is as much as or more than the amount offered in settlement by the plaintiff, or party seeking relief, as set forth in section 4 of this 1973 act.

NEW SECTION. Sec. 3. The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of section 1 of this 1973 act, if the plaintiff, or party seeking relief, recovers nothing, or if the recovery, exclusive of costs, is the same as or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in section 4 of this 1973 act.

NEW SECTION. Sec. 4. Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules. Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in section 1 of this 1973 act.

NEW SECTION. Sec. 5. If the case is appealed, the prevailing party on appeal shall be considered the prevailing party for the purpose of applying the provisions of section 1 of this 1973 act: PROVIDED, That if, on appeal, a retrial is ordered, the court ordering the retrial shall designate the prevailing party, if any, for the purpose of applying the provisions of section 1 of this 1973 act.

In addition, if the prevailing party on appeal would be entitled to attorneys' fees under the provisions of section 1 of this 1973 act, the court deciding the appeal shall allow to the prevailing party such additional amount as the court shall adjudge reasonable as attorneys' fees for the appeal.

NEW SECTION. Sec. 6. The provisions of sections 1 through 5 of this 1973 act shall apply regardless of whether the action is commenced in justice court or superior court: PROVIDED, That this section shall not be construed as conferring jurisdiction on either court.

NEW SECTION. Sec. 7. The provisions of this 1973 act shall not apply to actions on assigned claims.

NEW SECTION. Sec. 8. Sections 1 through 7 of this 1973 act are each added to chapter 4.84 RCW.

Passed the Senate February 1, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 85

[Engrossed Senate Bill No. 2053]

COUNTY CENTRAL COMMITTEE--

ORGANIZATIONAL MEETING DATE

AN ACT Relating to county central committees of political parties; and amending section 29.42.030, chapter 9, Laws of 1965 as amended by section 5, chapter 4, Laws of 1973 and RCW 29.42.030.

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

Section 1. Section 29.42.030, chapter 9, Laws of 1965 as amended by section 5, chapter 4, Laws of 1973 and RCW 29.42.030 are each amended to read as follows:

The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. ((This committee shall meet for the purpose of organization at the county court house at two o'clock p.m. on the second Saturday in December after each state general election in the even-numbered year unless some other time and place are designated by a sufficient notice to all the newly elected committeemen by the authorized officers of the retiring committee. For the purpose of this paragraph, a notice mailed at least seventy-two hours prior to the date of the meeting shall constitute sufficient notice.)) Following each state general election held in even-numbered years, this committee shall meet for the purpose of organization at an easily accessible location within the county, subsequent to the certification of precinct committeemen by the county auditor and no later than the second Saturday of the following January. The authorized officers of the retiring committee shall cause notice of the time and place of such meeting to be mailed to each precinct committeeman at least seventy-two hours prior to the date of the meeting.

At its organization meeting, the county central committee shall elect a chairman and vice chairman who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman.

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 86

[Engrossed Senate Bill No. 2074]

FIRE DISTRICT COMMISSIONERS--

COMPENSATION WAIVER

AN ACT Relating to fire protection districts; amending section 22, chapter 34, Laws of 1939 as last amended by section 2, chapter 242, Laws of 1971 ex. sess. and RCW 52.12.010.

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

Section 1. Section 22, chapter 34, Laws of 1939 as last amended by section 2, chapter 242, Laws of 1971 ex. sess. and RCW 52.12.010 are each amended to read as follows:

The affairs of the district shall be managed by a board of fire commissioners composed of three resident electors of the district. The members of any district which owns or operates motor-powered fire fighting equipment shall each receive twenty-five dollars per day, not to exceed seventy-five dollars per month, for attendance at board meetings and for performance of other services in behalf of the district. In addition, they shall receive necessary expenses incurred in attending meetings of the board or when otherwise engaged in district business, and shall be entitled to receive the same insurance available to all firemen of the district: PROVIDED, That the premiums for such insurance, except liability insurance, shall be paid by the individual commissioners who elect to receive it. In any district which has a fire department owning and operating motor-powered fire fighting equipment and employing personnel on a full time, fully paid basis, fire commissioners, in addition to expenses as aforesaid, shall each receive twenty-five dollars per day, not to exceed one hundred twenty-five dollars per month, for attendance at board meetings and for performance of other services on behalf of the district. Any commissioner may waive all or any portion of his compensation payable under this section as to any month or months during his term of office, by a written waiver filed with the secretary as provided in this 1973 amendatory act.

The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which said compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

The board shall fix the compensation to be paid the secretary and all other agents and employees of the district. The board may, by resolution adopted by unanimous vote, authorize any of its members to serve as volunteer firemen without compensation. A commissioner actually serving as a volunteer fireman may enjoy the rights and benefits of a volunteer fireman. The first commissioners shall serve until after the next general election for the selection of commissioners and until their successors have been elected or appointed and have qualified.

Passed the Senate February 10, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 87

[Engrossed Senate Bill No. 2179]

PORT DISTRICTS--PROPERTY RENT

GUARANTEE INSURANCE

AN ACT Relating to port districts; amending section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 8, Laws of 1961 ex. sess. and RCW 53.08.080; and adding a new section to chapter 53.08 RCW.

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

Section 1. Section 9, chapter 65, Laws of 1955 as last amended by section 1, chapter 8, Laws of 1961 ex. sess. and RCW 53.08.080 are each amended to read as follows:

A district may lease all lands, wharves, docks and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: PROVIDED, That no lease shall be for a period longer than fifty years, ((and each lease of real property shall be secured by a bond, with surety satisfactory to the port commission; in a penalty not less than the rental for one-sixth of the term; but in no case less than the rental for one year where the term is one year or more; conditioned to perform the terms of such lease: PROVIDED FURTHER, That)) except where the property involved is or is to be devoted to airport purposes ((and construction work and/or to the construction or maintenance of facilities for the comfort and accommodation of air travelers {but which facilities

shall also be open to the general public) or the installation of new facilities is contemplated;)) the port commission may lease said property for such period as may equal the estimated useful life of such work or facilities, but not to exceed seventy-five years: PROVIDED FURTHER, That where the property is held by the district under lease from the United States government or the state of Washington, or any agency or department thereof, the port commission may sublease said property, with option for extensions, up to the total term and extensions thereof permitted by such ((United States)) lease, but in any event not to exceed ninety years((: PROVIDED FURTHER, That in a lease the term of which exceeds five years, and when at the option of the port commission it is so stipulated in the lease, the commission shall accept, with surety satisfactory to it, a bond conditioned to perform the terms of the lease for some part of the term, in no event less than five years (unless the remainder of the unexpired term is less than five years, in which case for the full remainder) and in every such case the commission shall require of the lessee, another or other like bond to be delivered within two years, and not less than one year prior to the expiration of the period covered by the existing bond, covering an additional part of the term in accordance with the foregoing provisions in respect to the original bond, and so on until the end of the term so that there will always be in force a bond securing the performance of the lease and the penalty in each bond shall be not less than the rental for one-half the period covered thereby, but no bond shall be construed to secure the furnishing of any other bond.

The commission may accept as surety on any bond required by this section, either an approved surety company or one or more persons satisfactory to the commission, or in lieu of such bond may accept a deposit as security of such property or collateral or the giving of such other form of security as may be satisfactory to the commission).

NEW SECTION. Sec. 2. There is added to chapter 53.08 RCW a new section to read as follows:

Every lease of all lands, wharves, docks and real and personal property of a port district for a term of more than one year shall have the rent secured by rental insurance, bond, or other security satisfactory to the port commission, in an amount equal to one-sixth the total rent, but in no case shall such security be less than an amount equal to one year's rent or more than an amount equal to three years' rent. Such security shall be for the term of the lease: PROVIDED, That nothing in this section shall prevent the port commission from requiring additional security on leases or provisions thereof, or on other agreements to use port facilities: PROVIDED FURTHER, That any security agreement may provide for termination on

the anniversary date of such agreement on not less than one year's written notice to the port if said lease is not in default at the time of said notice: PROVIDED FURTHER, That if the security as required herein is not maintained throughout the full term of the lease, said lease shall be considered in default.

Passed the Senate February 13, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 88

[Engrossed Senate Bill No. 2246]

RULES OF THE ROAD--SLOW-MOVING VEHICLES--
MANDATORY TURN-OFF

AN ACT Relating to motor vehicle rules of the road; and adding a new section to chapter 46.61 RCW.

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

NEW SECTION. Section 1. There is added to chapter 46.61 RCW a new section to read as follows:

On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

Passed the Senate February 5, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 89

[Senate Bill No. 2252]

FOREIGN CORPORATIONS--ARTICLES OF INCORPORATION--
FILING REQUIREMENT

AN ACT Relating to foreign corporations; and amending section 114, chapter 53, Laws of 1965 as amended by section 2, chapter 22, Laws of 1971 and RCW 23A.32.060.

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

Section 1. Section 114, chapter 53, Laws of 1965 as amended by section 2, chapter 22, Laws of 1971 and RCW 23A.32.060 are each amended to read as follows:

Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of the certificate of good standing, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such documents the word "Filed", and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application ((and the copy of the articles of incorporation and amendments thereto)).

(3) Issue a certificate of authority to transact business in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative.

Passed the Senate February 15, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 90

[Senate Bill No. 2253]

NONPROFIT CORPORATIONS--ANNUAL REPORT
FILING

AN ACT Relating to nonprofit corporations; and amending section 81, chapter 235, Laws of 1967 and RCW 24.03.400.

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

Section 1. Section 81, chapter 235, Laws of 1967 and RCW 24.03.400 are each amended to read as follows:

Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the first day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report substantially conforms to the requirements of this chapter, he shall file the same. ((If he finds that it does not so conform, he shall promptly return the same to the corporation for any necessary corrections, in which event the penalties hereinafter prescribed for failure to file such report within the time hereinabove provided shall not apply, if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state in sufficient time to be filed prior to the first day of April of the year in which it is due))

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 91

[Senate Bill No. 2257]

MOTOR VEHICLES--NONRESIDENT OPERATORS--
SUMMONS SERVICE FEE--INCREASE

AN ACT Relating to vehicles; and amending section 46.64.040, chapter 12, Laws of 1961 as amended by section 1, chapter 69, Laws of 1971 ex. sess. and RCW 46.64.040.

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

Section 1. Section 46.64.040, chapter 12, Laws of 1961 as amended by section 1, chapter 69, Laws of 1971 ex. sess. and RCW 46.64.040 are each amended to read as follows:

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such

nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of ~~((two))~~ five dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of ~~((two))~~ five dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day

of service.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 92

[Engrossed Senate Bill No. 2275]

UNIFORM ALCOHOLISM TREATMENT ACT--EFFECTIVE DATE--
PROGRESS REPORT

AN ACT Relating to the Uniform Alcoholism and Intoxication Treatment Act; amending section 31, chapter 122, Laws of 1972 ex. sess.; and adding a new section to chapter 70.96A RCW.

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

Section 1. Section 31, chapter 122, Laws of 1972 ex. sess. is amended to read as follows:

~~((This act))~~ Chapter 122, Laws of 1972 extraordinary session shall be effective January 1, ~~((1974))~~ 1975.

NEW SECTION. Sec. 2. There is added to chapter 122, Laws of 1972 ex. sess. and chapter 70.96A RCW a new section to read as follows:

The department of social and health services shall make and deliver a written progress report on the implementation of the uniform alcoholism and intoxication treatment act every ninety days up to the effective date of the act, January 1, 1975 to the appropriate committee of the legislative council, or its successor.

Passed the Senate February 16, 1973.

Passed the House March 7, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 93

[Senate Bill No. 2340]

DEPARTMENT OF FISHERIES--RULES AND REGULATIONS--
ADMINISTRATIVE PROCEDURES ACT COMPLIANCE

AN ACT Relating to the department of fisheries; and amending section 75.08.090, chapter 12, Laws of 1955 and RCW 75.08.090.

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

Section 1. Section 75.08.090, chapter 12, Laws of 1955 and

RCW 75.08.090 are each amended to read as follows:

All rules and regulations of the director, acting director or such person designated by the director, and all amendments to, or modifications or revocations of existing rules and regulations shall be made and adopted by the director and shall be promulgated ((by publication in a newspaper of general circulation published at the state capital and shall take effect and be in force at the times specified therein)) in accordance with the provisions of chapter 34.04 RCW.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 94

[Senate Bill No. 2415]

GROUND WATERS--REDEFINED

AN ACT Relating to water rights; amending section 3, chapter 263, Laws of 1945 and RCW 90.44.035; and adding a new section to chapter 263, Laws of 1945 and to chapter 90.44 RCW.

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

NEW SECTION. Section 1. There is added to chapter 263, Laws of 1945 and to chapter 90.44 RCW a new section to read as follows:

It is the purpose of this 1973 amendatory act to state as well as reaffirm the intent of the legislature that "ground waters," as defined in chapter 263, Laws of 1945, means all waters within the state existing beneath the land surface, and to remove any possible ambiguity which may exist as a result of the dissenting opinion in State v. Ponten, 77 Wn.2d 463 (1969), or otherwise, with regard to the meaning of "ground waters" in the present wording of RCW 90.44.035. The definition set forth in section 2 of this 1973 amendatory act accords with the interpretation given by all of the various administrative agencies having responsibility for administration of the act since its enactment in 1945.

Sec. 2. Section 3, chapter 263, Laws of 1945 and RCW 90.44.035 are each amended to read as follows:

All ((bodies of)) watersg that exist beneath the land surface ((and that there saturate the interstices of rocks or other materials--that is, the waters of underground streams or channels, artesian basins, underground reservoirs, lakes or basins, whose existence or whose boundaries may be reasonably established or ascertained--)) or beneath the bed of any stream, lake or reservoir,

or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves, are defined for the purposes of this chapter as "ground waters." There is recognized a distinction between: (1) Water that exists in underground storage owing wholly to natural processes; for the purposes of this chapter such water is designated as "natural ground water." (2) Water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural waste; for the purposes of this chapter such water is designated as "artificially stored ground water."

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 95

[Senate Bill No. 2360]

STATE AUDITOR--TRANSFER OF DUTIES

AN ACT Relating to state government; transferring certain statutory duties of the state auditor; amending section 1, chapter 223, Laws of 1949 and RCW 40.20.020; amending section 43.84.110, chapter 8, Laws of 1965 and RCW 43.84.110; amending section 47.24.010, chapter 13, Laws of 1961 and RCW 47.24.010; amending section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240; amending section 82.36.410, chapter 15, Laws of 1961 and RCW 82.36.410; amending section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.190; amending section 82.40.290, chapter 15, Laws of 1961 as last amended by section 7, chapter 83, Laws of 1967 ex. sess. and RCW 82.40.290; amending section 84.08.050, chapter 15, Laws of 1961 and RCW 84.08.050; amending section 84.12.240, chapter 15, Laws of 1961 and RCW 84.12.240; amending section 84.16.032, chapter 15, Laws of 1961 and RCW 84.16.032; amending section 84.48.110, chapter 15, Laws of 1961 and RCW 84.48.110; repealing section 43.79.360, chapter 8, Laws of 1965 and RCW 43.79.360; and repealing section 77.04.070, chapter 36, Laws of 1955 and RCW 77.04.070.

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

Section 1. Section 1, chapter 223, Laws of 1949 and RCW

40.20.020 are each amended to read as follows:

The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or reproduced on film for all purposes of recording documents, plats, files or papers, or copying or reproducing such records. Such film or reproducing material shall be of permanent material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details, and shall be approved for the intended purpose ((by the state auditor)): PROVIDED, That the forms committee shall approve such material for state records use: PROVIDED, FURTHER, That the state auditor shall approve such material for use by local governmental subdivisions.

Sec. 2. Section 43.84.110, chapter 8, Laws of 1965 and RCW 43.84.110 are each amended to read as follows:

When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depositary interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.

The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depositary interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan. ((He shall forthwith notify the state auditor in writing of any such transfer of deposit interest:))

Sec. 3. Section 47.24.010, chapter 13, Laws of 1961 and RCW 47.24.010 are each amended to read as follows:

The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify ((to the state auditor and)) to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming

a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: PROVIDED, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: PROVIDED FURTHER, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

Sec. 4. Section 75.08.240, chapter 12, Laws of 1955 and RCW 75.08.240 are each amended to read as follows:

All appropriations for the department, and the fisheries division of the state treasurer and all claims against those departments, shall be paid from the general fund.

The director shall make weekly remittances to the state treasurer of all moneys collected by him from any source whatever, together with a statement showing from whence the moneys are derived. ~~((A duplicate of this statement shall be sent to the state auditor.))~~

Sec. 5. Section 82.36.410, chapter 15, Laws of 1961 and RCW 82.36.410 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. ~~((A duplicate of such statement shall be sent to the state auditor.))~~

Sec. 6. Section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.190 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. ~~((A duplicate of such statement shall be sent to the state auditor.))~~

The proceeds of the motor vehicle fuel importer use tax

imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of chapter 83, Laws of 1967 extraordinary session.

V- Sec. 7. Section 82.40.290, chapter 15, Laws of 1961 as last amended by section 7, chapter 83, Laws of 1967 ex. sess. and RCW 82.40.290 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. ((A duplicate of such statement shall be sent to the state auditor.))

The proceeds of the use fuel tax imposed by chapter 82.40 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of this 1967 amendatory act (1967 1st ex.s. c 83 Sec. 2).

Sec. 8. Section 84.08.050, chapter 15, Laws of 1961 and RCW 84.08.050 are each amended to read as follows:

The ((tax commission)) department of revenue shall:

(1) Require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, investments, value of property, earnings, taxes and all other facts called for on these subjects so that the ((commission)) department may determine the taxable value of any property or any other fact it may consider necessary to carry out any duties now or hereafter imposed upon it, or may ascertain the relative burdens borne by all kinds and classes of property within the state, and for these purposes their records, books, accounts, papers and memoranda shall be subject to production and inspection, investigation and examination by said ((commission)) department, or any employee thereof designated by said ((commission)) department for such purpose, and any or all real and/or personal property in this state shall be subject to visitation, investigation, examination and/or listing at any and all times by the ((commission)) department or by any employee thereof designated by said ((commission)) department.

(2) Summon witnesses to appear and testify on the subject of capital, funded debts, investments, value of property, earnings, taxes, and all other facts called for on these subjects, or upon any matter deemed material to the proper assessment of property, or to the investigation of the system of taxation, or the expenditure of public funds for state, county, district and municipal purposes: PROVIDED, HOWEVER, No person shall be required to testify outside of the county in which the taxpayer's residence, office or principal place of business, as the case may be, is located. Such summons shall be served in like manner as a subpoena issued out of the

superior court and be served by the sheriff of the proper county, and such service certified by him to said ((commission)) department without compensation therefor. Persons appearing before said ((commission)) department in obedience to a summons shall in the discretion of the ((commission)) department receive the same compensation as witnesses in the superior court ((to be audited by the state auditor on the certificate of said commission)).

Any member of the ((commission)) department or any employee thereof designated for that purpose may administer oaths to witnesses.

In case any witness shall fail to obey the summons to appear, or refuse to testify, or shall fail or refuse to comply with any of the provisions of subsections (1) and (2) of this section, such person, for each separate or repeated offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five thousand dollars. Any person who shall testify falsely shall be guilty of and shall be punished for perjury.

(3) Thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is inequal or oppressive.

Sec. 9. Section 84.12.240, chapter 15, Laws of 1961 and RCW 84.12.240 are each amended to read as follows:

The ((commission)) department of revenue shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and it shall have the power to issue subpoenas, signed by a member of the ((commission)) department and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. Any member of the ((commission)) department, or the secretary thereof, or any employee officially designated by the ((commission)) department is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of the ((commission)) department, upon a proper showing that such witness has been duly served with a subpoena and has refused to appear before the said ((commission)) department. In case of the refusal of a witness to produce books, papers, documents, or accounts, or to give evidence on matters material to the hearing, the ((commission)) department or any member thereof may institute proceedings in the proper superior court to compel such witness to testify or to produce such books or papers, and to punish him for such failure or refusal. All process issued by the ((commission)) department shall be served by the sheriff of the

proper county or by a duly authorized agent of the ((commission)) department and such service, if made by the sheriff, shall be certified by him to the commission without any compensation therefor. Persons appearing before the ((commission)) department in obedience to a subpoena shall receive the same compensation as witnesses in the superior court ((, to be audited by the state auditor on the certificate of the commission)). The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the ((commission)) department, or any employee thereof officially designated by the ((commission)) department. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the ((commission, or any commissioner)) department, or any person officially designated by the ((commission)) director.

Sec. 10. Section 84.16.032, chapter 15, Laws of 1961 and RCW 84.16.032 are each amended to read as follows:

The ((commission)) department of revenue shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and shall have the power, by summons signed by ((a member of the commission)) director and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. ((Any member of the commission or the secretary thereof)) The director or any employee officially designated by the ((commission)) director is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by ((any member of the commission)) the department, upon a proper showing that such witness has been duly served with a summons and has refused to appear before the said ((commission)) department. In case of the refusal of a witness to produce books, papers, documents or accounts or to give evidence on matters material to the hearing, the ((commission or any member thereof)) department may institute proceedings in the proper superior court to compel such witness to testify, or to produce such books or papers and to punish him for the refusal. All summons and process issued by the ((commission)) department shall be served by the sheriff of the proper county and such service certified by him to the commission without any compensation therefor. Persons appearing before the ((commission)) department in obedience to a summons, shall, in the discretion of the ((commission)) department, receive the same compensation as witnesses in the superior court ((to be audited by the state auditor on the certificate of the commission)). The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the ((commission))

department, or any employee thereof officially designated by the ((commission)) director. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the ((commission, or any commissioner)) department, or any person employed by the ((commission)) department.

Sec. 11. Section 84.48.110, chapter 15, Laws of 1961 and RCW 84.48.110 are each amended to read as follows:

Within three days after the receipt of the record of the proceedings of the state board of equalization, the ((state auditor)) office of program planning and fiscal management shall transmit to each county assessor a transcript of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto ((he)) it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The ((state auditor)) office of program planning and fiscal management shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 43.79.360, chapter 8, Laws of 1965 and RCW 43.79.360; and

(2) Section 77.04.070, chapter 36, Laws of 1955 and RCW 77.04.070.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 14, 1973, with the exception of Section 7 which is vetoed.

Filed in Office of Secretary of State March 14, 1973.

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

"I am returning herewith without my approval as to one section Senate Bill No. 2360 entitled:

"AN ACT Relating to state government."

Senate Bill No. 2360 provides for the deletion and transfer of certain duties relative to the State Auditor. However, section seven purports to amend RCW 82.40.290 which was repealed by section 33, chapter 175, Laws of

Veto
Message

1971, 1st Ex. Sess. Consequently, I have determined to veto
veto section seven since it is superfluous and could create ^{Veto}
substantial confusion if allowed to stand." ^{Message}

CHAPTER 96

[House Bill No. 71]

MOTOR VEHICLE FUEL TAX--DIRECTOR--DEPARTMENT
DUTIES TRANSFER

AN ACT Relating to motor vehicle fuel tax; amending section 82.36.060, chapter 15, Laws of 1961 and RCW 82.36.060; amending section 82.36.070, chapter 15, Laws of 1961 as amended by section 3, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.070; amending section 82.36.270, chapter 15, Laws of 1961 as amended by section 4, chapter 153, Laws of 1967 and RCW 82.36.270; and amending section 82.36.306, chapter 15, Laws of 1961 and RCW 82.36.306.

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

Section 1. Section 82.36.060, chapter 15, Laws of 1961 and RCW 82.36.060 are each amended to read as follows:

Every person, before becoming a distributor or continuing in business as a distributor, shall make an application to the ((director)) department for a license authorizing the applicant to engage in business as a distributor. Applications for such licenses shall be made to the ((director)) department on forms to be furnished by ((him)) the department, and shall be accompanied by a fee of ten dollars.

Before granting any license authorizing any person to engage in business as a distributor, the ((director)) department shall require applicant to file with ((him)) the department, in such form as shall be prescribed by the ((director)) department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds, required of any distributor shall be fixed by the ((director)) department and may be increased or reduced by the ((director)) department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the ((director)) department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the ((director)) department may deem proper. If at any time the estimated excise tax to become due during the succeeding month

amounts to more than fifty percent of the established bond, the ((director)) department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

In lieu of a bond in excess of five thousand dollars the distributor may file with the ((director)) department a property statement setting forth a complete description of all his property and the values thereof, and showing the amount of any indebtedness or encumbrance thereon to the end that the ((director)) department may ascertain whether or not the distributor can be compelled to respond in twice the amount of the taxes due or to become due hereunder. If the ((director)) department determines that the distributor can be compelled to respond in twice the amount of the tax ((he)) the department may accept such statement in lieu of a bond in excess of five thousand dollars. The ((director)) department may at any time demand from the distributor a new property statement and may at any time if ((he)) the department deems the property of the distributor insufficient to secure the payment of twice the amount of the taxes require the distributor to furnish a bond in such amount as will secure the payment of twice the amount of the taxes.

The total amount of the bond or bonds required of any distributor shall never be less than five thousand dollars nor more than fifty thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a distributor may deposit with the state treasurer, under such terms and conditions as the ((director)) department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the ((director)) department.

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the ((director)) department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The ((director)) department shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor,

on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the ((director)) department shall forthwith cancel the distributor's license. Whenever a new bond is furnished by a distributor, the ((director)) department shall cancel his old bond as soon as ((he)) the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The ((director)) department may require a distributor to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in ((his)) its opinion, the security of the surety bond theretofore filed by such distributor, or the market value of the properties deposited as security by the distributor, shall become impaired or inadequate; and upon the failure of the distributor to give such new or additional surety bond or to deposit additional securities within ((ten)) thirty days after being requested so to do by the ((director)) department, the ((director)) department shall forthwith cancel his license.

Sec. 2. Section 82.36.070, chapter 15, Laws of 1961 as amended by section 3, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.070 are each amended to read as follows:

The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the ((director)) department shall issue to the applicant a license to transact business as a distributor in the state, and such license shall be valid until canceled or revoked.

The license so issued by the ((director)) department shall not be assignable, and shall be valid only for the distributor in whose name issued.

The ((director)) department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the ((director)) department shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business ((in this state)). The ((director)) department shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such other information as the ((director)) department may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel without displaying such license card as herein

provided. Bulk plant licenses shall be continuing until canceled or revoked. The distributor shall report on forms prescribed by the ((director)) department any change in the number or capacity of bulk storage plants operated or maintained at the time such change occurs.

In the event an application for a license to transact business as a distributor is filed by any person whose license has heretofore been canceled for cause by the ((director)) department, or if the ((director)) department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license has heretofore been canceled for cause, the ((director)) department, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to transact business as a distributor.

Sec. 3. Section 82.36.270, chapter 15, Laws of 1961 as amended by section 4, chapter 153, Laws of 1967 and RCW 82.36.270 are each amended to read as follows:

Any person desiring to claim a refund shall obtain a permit from the ((director)) department by application therefor on such form as ((he)) the department shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The ((director)) department shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. ((At the time of filing an application for a refund permit, the applicant shall pay to the director a permit fee of one dollar, which shall be deposited in the motor vehicle fund.)) All permits shall expire on the thirtieth day of November of every even-numbered year.

Sec. 4. Section 82.36.306, chapter 15, Laws of 1961 and RCW 82.36.306 are each amended to read as follows:

If any person who purchases motor vehicle fuel exclusive of tax under the provisions of RCW ((82.36.235 and)) 82.36.305 uses or permits such fuel to be used for purposes other than marine use as set forth in this chapter, he shall immediately become liable for the motor vehicle fuel tax imposed thereon and shall for a period of five years thereafter become ineligible for any permit under RCW 82.36.270. The foregoing remedies shall be cumulative and no action

taken pursuant thereto shall relieve any person from the penal provisions of this chapter.

The ((director)) department is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms necessary for the enforcement of the provisions relating to such sales and use of motor vehicle fuel. This shall include authority to require distributors and dealers to color motor vehicle fuel so sold with a coloring matter to be prescribed and furnished without cost by the ((director)) department. It shall be unlawful to use or to permit the use of the fuel so colored for any purpose other than that provided under RCW ((82:36:235 and)) 82.36.305. The ((director)) department, in order to ascertain whether the fuel so colored has been unlawfully used, may take samples of fuel from fuel tanks of motor vehicles and conduct such other examinations as ((he)) it may deem necessary.

Passed the House February 7, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 97

[House Bill No. 130]

COUNTY BUDGETS--SUPPLEMENTAL APPROPRIATIONS--
UNANTICIPATED RECEIPTS.

AN ACT Relating to the law of counties; and amending section 36.40.100, chapter 4, Laws of 1963 as last amended by section 2, chapter 252, Laws of 1969 ex. sess. and RCW 36.40.100.

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

Section 1. Section 36.40.100, chapter 4, Laws of 1963 as last amended by section 2, chapter 252, Laws of 1969 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 within departments, or supplemental appropriations to the budget from unanticipated federal or state

funds may be made: PROVIDED FURTHER, That the board shall publish notice of the time and date of the meeting at which the supplemental appropriations resolution will be adopted, and the amount of the appropriation, once each week, for two consecutive weeks prior to such meeting in the official newspaper of the county or if there is none, in a legal newspaper in the county.

Passed the House March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 98

[House Bill No. 462]

UNIFORM COMMERCIAL CODE--CLEARING
CORPORATION--DEFINITION

AN ACT Relating to commercial transactions; and amending section 8-102, chapter 157, Laws of 1965 ex. sess. and RCW 62A.8-102.

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

Section 1. Section 8-102, chapter 157, Laws of 1965 ex. sess. and RCW 62A.8-102 are each amended to read as follows:

(1) In this Article unless the context otherwise requires

(a) A "security" is an instrument which

(i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this Article and not by Uniform Commercial Code--Commercial Paper even though it also meets the requirements of that Article. This Article does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than

by original issue.

(3) A "clearing corporation" is a corporation ((all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934)).

(a) At least ninety percent of the capital stock of which is held by or for one or more persons (other than individuals), each of whom

(i) is subject to supervision or regulation pursuant to the provisions of federal or state banking laws or state insurance laws, or

(ii) is a broker or dealer or investment company registered under the Securities Exchange Act of 1934 or the Investment Company Act of 1940, or

(iii) is a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934; and none of whom, other than a national securities exchange or association, holds in excess of twenty percent of the capital stock of such corporation; and

(b) Any remaining capital stock of which is held by individuals who have purchased such capital stock at or prior to the time of their taking office as directors of such corporation and who have purchased only so much of such capital stock as may be necessary to permit them to qualify as such directors.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this Article or to specified Parts thereof and the sections in which they appear are:

"Adverse claim". RCW 62A.8-301.

"Bona fide purchaser". RCW 62A.8-302.

"Broker". RCW 62A.8-303.

"Guarantee of the signature". RCW 62A.8-402.

"Intermediary bank". RCW 62A.4-105.

"Issuer". RCW 62A.8-201.

"Overissue". RCW 62A.8-104.

(6) In addition Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Passed the House March 6, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 99

[House Bill No. 467]

FIDUCIARIES--TRUST SECURITIES--CLEARING CORPORATION DEPOSIT--
AUTHORIZED

AN ACT Relating to fiduciaries; amending section 30.04.240, chapter 33, Laws of 1955 and RCW 30.04.240; and declaring an emergency.

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

Section. 1. Section 30.04.240, chapter 33, Laws of 1955 and RCW 30.04.240 are each amended to read as follows:

(1) Every corporation doing a trust business shall maintain in its office a trust department in which it shall keep books and accounts of its trust business, separate and apart from its other business. Such books and accounts shall specify the cash, securities and other properties, real and personal, held in each trust, and such securities and properties shall be at all times segregated from all other securities and properties. Such corporation shall also cause each bond, warrant, note, mortgage, deed or other security of any nature to be labeled to indicate the trust to which it belongs. Any person connected with a bank or trust company who shall commingle any funds or securities of any kind held by such corporation in trust, for safekeeping or as agent for another, with the funds or assets of the corporation shall be guilty of a felony.

(2) Notwithstanding any other provisions of law, any fiduciary holding securities in its fiduciary capacity, any state bank, national bank, or trust company holding securities as a custodian or managing agent and any state bank, national bank, or trust company holding securities as custodian for a fiduciary is authorized to deposit or arrange for the deposit of such securities in a clearing corporation (as defined in Article 8 of the Uniform Commercial Code, chapter 62A.8). When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of such fiduciary and the records of such state bank, national bank, or trust company acting as custodian, as managing agent, or as custodian for a fiduciary shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities any be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery of certificates representing such securities. A state bank, national

bank, or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of state chartered banks and trust companies, the supervisor of banking and, in the case of national banking associations, the comptroller of the currency may from time to time issue. A state bank, national bank, or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such state bank, national bank, or trust company in such clearing corporation for the account of such fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for the settlement of such fiduciary's account or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation for its account as such fiduciary.

This subsection shall apply to any fiduciary holding securities in its fiduciary capacity, and to any state bank, national bank, or trust company holding securities as a custodian, managing agent, or custodian for a fiduciary, acting on the effective date of this 1973 amendatory act or who thereafter may act regardless of the date of the agreement, instrument, or court order by which it is appointed and regardless of whether or not such fiduciary, custodian, managing agent, or custodian for a fiduciary owns capital stock of such clearing corporation.

NEW SECTION. Sec. 2. This 1973 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 February 19, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 100

[House Bill No. 240]

ALCOHOLIC BEVERAGE CONTROL--USE--

LEGAL AGE LOWERED

AN ACT Relating to alcoholic beverage control; amending sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080; amending section 1, chapter 38, Laws of 1967 and RCW 66.12.110; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 15, Laws of 1971

ex. sess. and RCW 66.16.040; amending section 3, chapter 67, Laws of 1949 as last amended by section 4, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.180; amending section 6, chapter 67, Laws of 1949 as last amended by section 7, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.210; amending section 2, chapter 70, Laws of 1955 and RCW 66.44.270; amending section 3, chapter 70, Laws of 1955 and RCW 66.44.280; amending section 4, chapter 70, Laws of 1955 as amended by section 1, chapter 49, Laws of 1965 and RCW 66.44.290; amending section 1, chapter 78, Laws of 1941 and RCW 66.44.300; amending section 36-A added to chapter 62, Laws of 1933 ex. sess., by section 1, chapter 245, Laws of 1943 and RCW 66.44.310; amending section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44.340; adding a new section to chapter 66.44 RCW; repealing section 2, chapter 49, Laws of 1965 and RCW 66.44.291; creating a new section; and repealing section 1, chapter 250, Laws of 1969 ex. sess. and RCW 66.44.315.

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

Section 1. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who:

(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of--except a restaurant or dining room, any person under the age of eighteen years; or,

(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of eighteen years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any (narcotic drugs) controlled substance is used, any persons under the age of eighteen years; or,

(4) Shall sell or give, or permit to be sold or given to any person under the age of (~~twenty-one~~) nineteen years any intoxicating liquor, or to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

Sec. 2. Section 1, chapter 38, Laws of 1967 and RCW 66.12.110 are each amended to read as follows:

A person (~~twenty-one~~) nineteen years of age or over may bring into the state from without the United States, free of tax and markup, for his personal or household use such alcoholic beverages as have been declared and permitted to enter the United States duty free under federal law.

Sec. 3. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 15, Laws of 1971 ex. sess. and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store may sell liquor to any person over the age of (~~twenty-one~~) nineteen years for beverage purposes and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

- (1) Liquor control authority card of identification of any state.
- (2) Driver's license of any state or "identocard" issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117.
- (3) United States active duty military identification.
- (4) Passport.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 4. Section 3, chapter 67, Laws of 1949 as last amended by section 4, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.180 are each amended to read as follows:

A card of identification shall be presented by the holder thereof upon request of any licensee for the purpose of aiding the licensee to determine whether or not such person is at least (~~twenty-one~~) nineteen years of age when such person desires to procure liquor from a licensed establishment.

Sec. 5. Section 6, chapter 67, Laws of 1949 as last amended by section 7, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.210 are each amended to read as follows:

No licensee or the agent or employee of the licensee shall be

prosecuted criminally or be sued in any civil action for serving liquor to a person under ((~~twenty-one~~) nineteen) years of age if such person has presented a card of identification in accordance with RCW 66.20.180 as now or hereafter amended, and has signed a certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Sec. 6. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

Except in the case of liquor given or permitted to be given to a person under the age of ((~~twenty-one~~) nineteen) years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of ((~~twenty-one~~) nineteen) years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of ((~~twenty-one~~) nineteen) years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

Conviction or forfeiture of bail for a violation of this section by a person under the age of ((~~twenty-one~~) nineteen) years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of ((~~twenty-one~~) nineteen) years.

Sec. 7. Section 3, chapter 70, Laws of 1955 and RCW 66.44.280 are each amended to read as follows:

Every person under the age of ((~~twenty-one~~) nineteen) years who makes application for a permit shall be guilty of an offense against this title.

Sec. 8. Section 4, chapter 70, Laws of 1955 as amended by section 1, chapter 49, Laws of 1965 and RCW 66.44.290 are each amended to read as follows:

Every person under the age of ((~~twenty-one~~) nineteen) years who purchases or attempts to purchase liquor shall be guilty of a violation of this title.

Sec. 9. Section 1, chapter 78, Laws of 1941 and RCW 66.44.300 are each amended to read as follows:

Any person who invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him; or holds out such minor to be over the age of ((~~twenty-one~~) nineteen)

years to the owner of the liquor establishment shall be guilty of a misdemeanor.

Sec. 10. Section 36-A added to chapter 62, Laws of 1933 ex. sess., by section 1, chapter 245, Laws of 1943 and RCW 66.44.310 are each amended to read as follows:

(1) It shall be a misdemeanor,

(a) To serve or allow to remain on the premises of any tavern any person under the age of (~~twenty-one~~) nineteen years;

(b) For any person under the age of (~~twenty-one~~) nineteen years to enter or remain on the premises of any tavern;

(c) For any person under the age of (~~twenty-one~~) nineteen years to represent his age as being (~~twenty-one~~) nineteen or more years for the purpose of securing admission to or remaining on the premises of any tavern.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Sec. 11. Section 1, chapter 38, Laws of 1969 ex. sess. and RCW 66.44.340 are each amended to read as follows:

Employers holding class E and/or F licenses exclusively are permitted to allow their employees (~~7 between the ages of eighteen and twenty-one years;~~) eighteen years of age or over to sell beer or wine in, on or about any establishment holding a class E and/or class F license exclusively: (~~PROVIDED; That there is direct supervision by an adult twenty-one years of age or older in an adjacent check stand;~~) PROVIDED, That minor employees under the age of eighteen may make deliveries of beer and/or wine purchased from licensees holding class E and/or class F licenses exclusively, when delivery is made to cars of customers adjacent to such licensed premises but only, however, when the minor employee is accompanied by the purchaser.

NEW SECTION. Sec. 12. There is added to chapter 66.44 RCW a new section to read as follows:

Employers holding a class H license are permitted to allow their employees, who are eighteen years of age or older, to take orders for, to serve and sell liquor in any part of the licensed premises, and to perform clean-up work in any part of the licensed premises.

NEW SECTION. Sec. 13. The following acts or parts of acts are each hereby repealed:

(1) Section 2, chapter 49, Laws of 1965 and RCW 66.44.291; and
(2) Section 1, chapter 250, Laws of 1969 ex. sess. and RCW
66.44.315.

Passed the House February 17, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 15, 1973.

CHAPTER 101

[House Bill No. 320]

ORTING SOLDIERS' HOME--MEMBERSHIP ELIGIBILITY

AN ACT Relating to soldiers' and veterans' homes; and amending
section 72.36.040, chapter 28, Laws of 1959 as amended by
section 1, chapter 235, Laws of 1959 and RCW 72.36.040.

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

Section 1. Section 72.36.040, chapter 28, Laws of 1959 as
amended by section 1, chapter 235, Laws of 1959 and RCW 72.36.040 are
each amended to read as follows:

There is hereby established what shall be known as the "Colony
of the State Soldiers' Home." All of the following persons who
reside within the limits of Orting (~~((precinct))~~) school district and
have been actual bona fide citizens of this state for a period of
three years at the time of their application and who have personal
property of less than one thousand dollars and/or a monthly income
insufficient to meet their needs as determined by the standards of
the (~~((county welfare department))~~) department of social and health
services, may be admitted to membership in said colony under such
rules and regulations as may be adopted by the department.

(1) All honorably discharged (~~((soldiers; sailors and marines;~~
who have served the United States government in any of its wars;
and) veterans who have served in the armed forces of the United
States during wartime, members of the state militia disabled while in
the line of duty, and their (~~((wives; who were married and living with
their wives for five))~~) respective spouses with whom they have lived
for three years prior to application (~~((to))~~) for membership in said
colony (~~((or who; since said date; have married widows of soldiers who
were members))~~). Also, the spouse of a veteran or disabled member of
the state militia, who is eligible for membership in said colony, if
such spouse is the widow or widower of a veteran who was a member of
a soldiers' home or colony in this state or entitled to admission
thereto at the time of death: PROVIDED, That such ((soldiers;
sailors; and marines)) veterans and members of the state militia

shall, while they are members of said colony, be living with their said ((wives)) spouses.

(2) The widows or widowers of all ((soldiers)) veterans who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the widows or widowers of all ((soldiers)) veterans who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which widows or widowers have since the death of their said ((husbands)) spouses become indigent and unable to earn a support for themselves: PROVIDED, That such widows or widowers are not less than fifty years of age and have not been married since the decease of their said ((husbands)) spouses to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Passed the House February 12, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 102

[House Bill No. 396]

ELECTIONS--COUNTING BOARDS--

APPOINTMENT

AN ACT Relating to elections; amending section 29.33.220, chapter 9, Laws of 1965 as amended by section 1, chapter 124, Laws of 1971 1st ex. sess. and RCW 29.33.220; amending section 29.45.050, chapter 9, Laws of 1965 as amended by section 4, chapter 101, Laws of 1965, ex. sess. and RCW 29.45.050; amending section 29.45.060, chapter 9, Laws of 1965 as amended by section 5, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.060; amending section 29.54.045, chapter 9, Laws of 1965 as amended by section 10, chapter 101, Laws of 1965, ex. sess. and RCW 29.54.045; and adding a new section to chapter 9, Laws of 1965 and to chapter 19.45 RCW.

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

Section 1. Section 29.33.220, chapter 9, Laws of 1965 as amended by section 1, chapter 124, Laws of 1971 1st ex. sess. and RCW 29.33.220 are each amended to read as follows:

Before each primary election at which voting machines or

voting devices are to be used or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors, ~~((and))~~ judges and clerks of election who are to serve thereat in the use of the machine or voting device and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine or voting device a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine or voting device is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine or voting device and has received a certificate to that effect from the custodian of the machines or voting devices: PROVIDED, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency.

Sec. 2. Section 29.45.050, chapter 9, Laws of 1965 as amended by section 4, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.050 are each amended to read as follows:

There shall be but one set of election officers in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having less than two hundred registered voters there may be appointed, at a state primary or state general election, two or more sets of precinct election officers as provided in RCW 29.04.020 and 29.45.010. The officer in charge of the election may appoint one or more counting boards at his discretion, when he decides that because of a long or complicated ballot or because of the number of expected voters, there is need of additional counting board or boards to improve the speed and accuracy of the count.

In making such appointments, one or more sets of precinct election officers shall be designated as the counting board or boards, the first of which shall consist of an inspector, two judges, and a clerk and the second set, if activated, shall consist of two judges and two clerks. The duties of the counting board or boards shall be the count of ballots cast and the return of the election

records and supplies to the officer having jurisdiction of the election.

(~~The other~~) One set of precinct election officers shall be designated as the receiving board which shall have all other powers and duties imposed by law for such elections.

Sec. 3. Section 29.45.060, chapter 9, Laws of 1965 as amended by section 5, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.060 are each amended to read as follows:

The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two or more sets of precinct election officers are appointed as provided in RCW 29.45.050, the ballots shall be counted by the counting board or boards as provided in RCW 29.54.030, 29.54.043, and 29.54.045.

Sec. 4. Section 29.54.045, chapter 9, Laws of 1965 as amended by section 10, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.045 are each amended to read as follows:

When two or more sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The set or sets designated as the counting board or boards shall commence tabulation ((at 2:00 p. m. of the day)) of any state primary or state general election at a time set by the officer in charge of the election.

(2) A second ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the officer in charge of the election proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot box to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot box, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot boxes shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted.

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election

officials, when two or more sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

NEW SECTION. Sec. 5. There is added to chapter 9, Laws of 1965 and to chapter 29.45 RCW a new section to read as follows:

All of the provisions of sections 2 and 3 of this 1973 amendatory act relating to counting boards may be applied on an optional basis to any other primary or election, regular or special, at the discretion of the officer in charge of the election.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 103

[House Bill No. 567]

MOBILE HOMES--DOUBLE TAXATION PROHIBITED--

ID TAGS REPEALED

AN ACT Relating to mobile homes; creating new sections; amending section 46.08.090, chapter 12, Laws of 1961 ex. sess. as last amended by section 8, chapter 231, Laws of 1971 ex. sess. and RCW 46.01.130; amending section 1, chapter ... (HB ...), Laws of 1973 and RCW 46.01.140; amending section 2, chapter ... (HB ...), Laws of 1973 and RCW 46.68.030; amending section 73, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.902; amending section 20, chapter 231, Laws of 1971, 1st ex. sess. and RCW 46.16.104; amending section 22, chapter 231, Laws of 1971, 1st ex. sess. and RCW 46.16.106; repealing section 12, chapter 231, Laws of 1971 ex. sess. and RCW 46.01.300; repealing section 15, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.510; repealing section 16, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.520; repealing section 17, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.530; repealing section 18, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.540; and repealing section 19, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.550.

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

Section 1. Section 1, chapter ... (HB ...), Laws of 1973 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number

plates ((and the issuance of mobile home identification tags)) under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates ((and to issue mobile home identification tags; collect fees therefor; and receive the payment of property taxes on mobile homes)).

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, ((or the issuance of mobile home identification tags;)) the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: PROVIDED, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 2. Section 46.08.090, chapter 12, Laws of 1961 ex. sess. as last amended by section 8, chapter 231, Laws of 1971 ex. sess. and RCW 46.01.130 are each amended to read as follows:

The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates ((and mobile home identification tags)) and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles ((and the issuance of mobile home identification tags)); the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles ((and the issuance of mobile home identification tags)).

Sec. 3. Section 2, chapter ... (HB ...), Laws of 1973 and RCW 46.68.030 are each amended to read as follows:

All fees received by the director for vehicle licenses ((and mobile home identification tags)) under the provisions of chapter 46.16 RCW 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.

NEW SECTION. Sec. 4. The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter 34.04 RCW to comply with the provisions of this section.

Sec. 5. Section 73, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.902 are each amended to read as follows:

The provisions of chapter 82.50 RCW shall remain applicable to mobile homes through December 31, 1972. All mobile homes subject to the property tax shall be listed and assessed for the first time on January 1, 1972 and such tax shall be paid during 1973 in accordance with the laws of this state: PROVIDED, HOWEVER, That no such mobile home shall be taxed more than one time, whether excise or property tax, in any one year by distraint, "quick-collect" or otherwise, unless the mobile home is to be moved to a location not within the state of Washington: AND PROVIDED FURTHER, That this 1973 amendment shall operate retroactively as if enacted originally with section 73, chapter 299, Laws of 1971 extraordinary session.

Sec. 6. Section 20, chapter 231, Laws of 1971, 1st ex. sess. and RCW 46.16.104 are each amended to read as follows:

The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in RCW 46.16.105 and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where such mobile home will be located: PROVIDED, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

Sec. 7. Section 22, chapter 231, Laws of 1971, 1st ex. sess.

and RCW 46.16.106 are each amended to read as follows:

Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by RCW 46.16.105 or vehicle license plate shall be guilty of a misdemeanor: PROVIDED, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home.

NEW SECTION. Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 12, chapter 231, Laws of 1971 ex. sess. and RCW 46.01.300;

(2) Section 15, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.510;

(3) Section 16, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.520;

(4) Section 17, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.530;

(5) Section 18, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.540; and

(6) Section 19, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.550.

NEW SECTION. Sec. 9. If any provision of this 1973 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 March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 104

[Senate Bill No. 2109]

SERVICES--STATE--ADVANCE

PAYMENT PROCEDURES

AN ACT Relating to state government; providing for advance payment of services; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 4, chapter 170, Laws of 1971 ex. sess. and RCW 43.88.160; and amending section 43.19.1925, chapter 8, Laws of 1965 and RCW 43.19.1925.

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

Section 1. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 4, chapter 170, Laws of 1971 ex. sess. and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the

agency concerned: 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; new, four-year state colleges subsequently authorized, professional education employees of the state board for community college education; and the various state community colleges.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes 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; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished ; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management and the legislative budget committee; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made; PROVIDED, That when services are lawfully paid for in advance of full

performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the administrative board but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3) (c) of this section.

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds.

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions

and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and management surveys and program reviews as provided for in RCW 44.28.085 and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the financial affairs of the state.

(c) Make its official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management; and

(iii) A report on the efficiency and accuracy of the post audit operations of the state government.

Sec. 2. Section 43.19.1925, chapter 8, Laws of 1965 and RCW 43.19.1925 are each amended to read as follows:

To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies ((and)), equipment, and services: PROVIDED, That advance payment for services shall be on a quarterly basis: PROVIDED FURTHER, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such

amounts as shall be fixed by the administrative board. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such stocks of supplies ((and)), equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores.

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 105

[Engrossed Senate Bill No. 2163]

COMMUNITY COLLEGES--MILITARY PERSONNEL EDUCATION
PROGRAMS

AN ACT Authorizing the conduct of certain educational programs for military personnel by community colleges; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 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 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The state board for community college education may authorize any community college board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel at any geographical location: PROVIDED, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of

1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

Prior to the state board granting authorization for any programs authorized under section 1 of this 1973 act, the state board shall determine that such authorization will not deter from the primary functions of the community college system within the state of Washington as prescribed by chapter 28B.50 RCW.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW a new section to read as follows:

The costs of funding programs authorized by this 1973 act shall ultimately be borne by grants or fees derived from nonstate treasury sources.

NEW SECTION. Sec. 4. This 1973 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 January 31, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 106

[Senate Bill No. 2341]

STATE AUDITOR--STATUTORY DUTIES--TRANSFER

AN ACT Relating to state government; transferring certain statutory duties of the state auditor; amending section 4, page 322, Laws of 1890 as amended by section 1, chapter 38, Laws of 1955 and RCW 2.04.031; amending section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 100, Laws of 1972 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1972 ex. sess. and RCW 2.06.060; amending section 1, chapter 229, Laws of 1937 as last amended by section 1, chapter 30, Laws of 1971 and RCW 2.12.010; amending section 2, chapter 229, Laws of 1937 as amended by section 4, chapter 30, Laws of 1971 and RCW 2.12.020; amending section 6, chapter 229, Laws of 1937, as last amended by section 1, chapter (HB....), Laws of 1973 and RCW 2.12.060; amending section 9, chapter 259, Laws of 1957 and RCW 2.56.090; amending section 4, chapter 213, Laws of 1955 and RCW 8.04.090; amending section 10, chapter 74, Laws of 1891 and RCW 8.04.160;

amending section 2, page 284, Laws of 1877 as amended by section 1291, Code of 1881 and RCW 10.85.025; amending section 49, chapter 256, Laws of 1961 and RCW 15.65.490; amending section 8, chapter 152, Laws of 1919 and RCW 17.12.080; amending section 11, chapter 119, Laws of 1935 and RCW 27.08.010; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.110; amending section 42, chapter 130, Laws of 1943 and RCW 38.24.010; amending section 1, chapter 70, Laws of 1947 and RCW 41.04.020; amending section 2, chapter 208, Laws of 1957 and RCW 41.04.036; amending section 1, page 6, Laws of 1890 and RCW 44.04.040; amending section 1, page 3, Laws of 1890 and RCW 44.04.050; amending section 1, page 10, Laws of 1890 and RCW 44.04.060; amending section 2, chapter 173, Laws of 1941 and RCW 44.04.090; amending section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160; amending section 47.08.080, chapter 13, Laws of 1961 and RCW 47.08.080; amending section 47.08.090, chapter 13, Laws of 1961 and RCW 47.08.090; amending section 47.08.100, chapter 13, Laws of 1961 and RCW 47.08.100; amending section 47.56.050, chapter 13, Laws of 1961 and RCW 47.56.050; amending section 47.56.180, chapter 13, Laws of 1961 and RCW 47.56.180; amending section 47.58.040, chapter 13, Laws of 1961 as last amended by section 64, chapter 56, Laws of 1970 ex. sess. and RCW 47.58.040; amending section 47.60.060, chapter 13, Laws of 1961 as last amended by section 65, chapter 56, Laws of 1970 ex. sess. and RCW 47.60.060; amending section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040; amending section 51.44.110, chapter 23, Laws of 1961 and RCW 51.44.110; amending section 15, chapter 197, Laws of 1949 as amended by section 11, chapter 252, Laws of 1959 and RCW 70.40.150; amending section 72.08.170, chapter 28, Laws of 1959 and RCW 72.08.170; amending section 74.08.370, chapter 26, Laws of 1959 and RCW 74.08.370; amending section 75.08.250, chapter 12, Laws of 1955 and RCW 75.08.250; amending section 77.12.390, chapter 36, Laws of 1955 and RCW 77.12.390; amending section 6, chapter 175, Laws of 1939 as last amended by section 1, chapter 49, Laws of 1951 and RCW 78.48.080; amending section 7, chapter 69, Laws of 1909 as last amended by section 43, chapter 257, Laws of 1959 and RCW 79.24.030; amending section 13, chapter 240, Laws of 1951 and RCW 86.26.110; amending section 3, chapter 105, Laws of 1929 as amended by section 1, chapter 209, Laws of 1939 and RCW 90.16.090; and repealing section 6, chapter 58, Laws of 1933 ex. sess., section 11,

chapter 38, Laws of 1955, section 10, chapter 259, Laws of 1957 and RCW 2.16.060.

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

Section 1. Section 4, page 322, Laws of 1890 as amended by section 1, chapter 38, Laws of 1955 and RCW 2.04.031 are each amended to read as follows:

If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him disbursed on proper vouchers, and accounted for by him in annual settlements with the ((state auditor)) governor.

Sec. 2. Section 1, chapter 144, Laws of 1953 as last amended by section 1, chapter 100, Laws of 1972 ex. sess. and RCW 2.04.090 are each amended to read as follows:

Each justice of the supreme court shall receive an annual salary of thirty-three thousand dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state ((auditor)) treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months.

Sec. 3. Section 6, chapter 221, Laws of 1969 ex. sess. as amended by section 2, chapter 100, Laws of 1972 ex. sess. and RCW 2.06.060 are each amended to read as follows:

Each judge of the court shall receive an annual salary of thirty thousand dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state ((auditor)) treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months.

Sec. 4. Section 1, chapter 229, Laws of 1937 as last amended by section 1, chapter 30, Laws of 1971 and RCW 2.12.010 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington who heretofore and/or hereafter shall have served as a judge of any such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years or more may, during or at the expiration of his term of office, in accordance with the provisions of this chapter, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall

be counted the time spent by such judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941 [chapter 73.16 RCW]: PROVIDED, HOWEVER, That in computing such credit for such service in the armed forces of the United States of America no allowance shall be made for service beyond the date of the expiration of the term for which such judge was elected. Any judge desiring to retire under the provisions of this section shall file with the state treasurer, who is hereby created treasurer, ex officio, of the fund hereinafter established, and who is hereinafter referred to as "the treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the treasurer shall forthwith file with the ~~((state auditor))~~ administrator for the courts. The notice shall state his name, the court or courts of which he has served as judge, the period of service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter.

Sec. 5. Section 2, chapter 229, Laws of 1937 as amended by section 4, chapter 30, Laws of 1971 and RCW 2.12.020 are each amended to read as follows:

Any judge of the supreme court, court of appeals, or superior court of the state of Washington, who heretofore and/or hereafter shall have served as a judge of any such courts for a period of ten years in the aggregate, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the treasurer an application in duplicate in writing, asking for retirement, which application shall be signed and verified by the affidavit of the applicant or by someone in his behalf and which shall set forth his name, the office then held, the court or courts of which he has served as judge, the period of service thereon, the dates of such service and the reasons why he believes himself to be, or why they believe him to be incapacitated. Upon filing of such application the treasurer shall forthwith transmit a copy thereof to the governor who shall appoint three physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the governor, to be paid out of the fund hereinafter created, examine said judge and report, in writing, to the governor their findings in the matter. If a majority of such physicians shall report that in their opinion said judge has become

permanently incapacitated for the full and efficient performance of the duties of his office, and if the governor shall approve such report, he shall file the report, with his approval endorsed thereon, in the office of the treasurer and a duplicate copy thereof with the ((state auditor)) administrator for the courts, and from the date of such filing the applicant shall be deemed to have retired from office and be entitled to the benefits of this chapter to the same extent as if he had retired under the provisions of RCW 2.12.010.

Sec. 6. Section 6, chapter 229, Laws of 1937 as last amended by section 1, chapter (HB ...), Laws of 1973 and RCW 2.12.060 are each amended to read as follows:

For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each justice of the supreme court, six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the justices of the supreme court, the judges of the court of appeals, and the judges of the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The ((state auditor)) administrator for the courts shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter.

Sec. 7. Section 4, chapter 213, Laws of 1955 and RCW 8.04.090 are each amended to read as follows:

In case the state shall require immediate possession and use of the property sought to be condemned, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and (~~8.04.093~~ [~~8.04.094~~]) 8.04.094 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the (~~state auditor~~) office of program planning and fiscal management, who forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the property described in the order of necessity, which order shall bind the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises, or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other property from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other property described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear.

Sec. 8. Section 10, chapter 74, Laws of 1891 and RCW 8.04.160 are each amended to read as follows:

Whenever the attorney general shall file with the (~~auditor of this state~~) director of the office of program planning and fiscal management a certificate setting forth the amount of any award found against the state of Washington under the provisions of RCW 8.04.010 through 8.04.160, together with the costs of said proceeding, and a description of the lands and premises sought to be appropriated and acquired, and the title of the action or proceeding in which said award is rendered, it shall be the duty of the (~~state auditor~~) office of program planning and fiscal management to forthwith issue a

warrant upon the state treasury to the order of the attorney general in a sum sufficient to make payment in money of said award and the costs of said proceeding, and thereupon it shall be the duty of said attorney general to forthwith pay to the clerk of said court in money the amount of said award and costs.

Sec. 9. Section 2, page 284, Laws of 1877 as amended by section 1291, Code of 1881 and RCW 10.85.025 are each amended to read as follows:

The ((auditor)) governor of the state shall ((draw a warrant upon)) prepare a voucher for the treasurer for the amount of the reward upon presentation to him of a certificate of the clerk of the court where the conviction was had of such conviction and the finding of the court that the satisfactory proof was made that the person claiming the reward is entitled thereto, under RCW 10.85.020 and the treasurer shall issue a warrant for such amount.

Sec. 10. Section 49, chapter 256, Laws of 1961 and RCW 15.65.490 are each amended to read as follows:

The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor((, the director, the state auditor)) and the commodity board of the agreement or order concerned. The ((state auditor)) department of agriculture shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor ((and the director of agriculture)).

Sec. 11. Section 8, chapter 152, Laws of 1919 and RCW 17.12.080 are each amended to read as follows:

Whenever there shall be included within any pest district lands belonging to the state or to the county the board of county commissioners shall determine the amount of the tax or assessment for which such land would be liable if the same were in private ownership for each subdivision of forty acres or fraction thereof. The assessor shall transmit to the county commissioners a statement of

the amounts so due from county lands and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. A statement of the amounts due from state lands within each county shall be annually forwarded to the commissioner of public lands who shall examine the same and if he finds the same correct and that the determination was made according to law, he shall certify the same ((to the state auditor who shall))and issue a warrant for the payment of same against any funds in the state treasury appropriated for such purposes.

The commissioner of public lands shall keep a record of the amounts so paid on account of any state lands which are under lease or contract of sale and such amounts shall be added to and become a part of the annual rental or purchase price of the land, and shall be paid annually at the time of payment of rent or payment of interest or purchase price of such land. When such amounts shall be collected by the commissioner of public lands it shall be paid into the general fund in the state treasury.

Sec. 12. Section 11, chapter 119, Laws of 1935 and RCW 27.08.010 are each amended to read as follows:

(1) There is hereby created a state board for the certification of librarians, which shall consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the governor for a term of three years from a list of three persons nominated by the executive committee of the Washington library association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(3) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the

board.

(4) The board shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature ((upon warrants drawn by the state auditor)) upon the presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full time professional library position, a person who does not hold a librarian's certificate issued by the board.

(6) A full time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(7) The provisions in this section shall apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning: PROVIDED, That nothing in this section shall apply to the state law library or to county law libraries.

Sec. 13. Section 28A.04.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.110 are each amended to read as follows:

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.

Sec. 14. Section 42, chapter 130, Laws of 1943 and RCW 38.24.010 are each amended to read as follows:

All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the governor and shall be paid by the state treasurer ((upon the warrant of the state auditor)) from funds available for that purpose: PROVIDED, HOWEVER, That in all cases where the organized militia, or any part thereof, is called into the

service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to execute or enforce the laws, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the state treasury and paid out of any moneys in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Sec. 15. Section 1, chapter 70, Laws of 1947 and RCW 41.04.020 are each amended to read as follows:

Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or their salaries or wages, the amount or amounts of his or their subscription payments or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or either of them, or life insurance or accident and health disability insurance: PROVIDED, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the ((state auditor)) department of personnel; or in the case of political subdivisions of the state of Washington, with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision.

Sec. 16. Section 2, chapter 208, Laws of 1957 and RCW 41.04.036 are each amended to read as follows:

Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the ((state auditor)) office of program planning and fiscal management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036.

Sec. 17. Section 1, page 6, Laws of 1890 and RCW 44.04.040 are each amended to read as follows:

The ((state auditor is)) chief clerk of the house of representatives and the secretary of the senate are hereby directed to ((draw warrants on)) prepare vouchers for the state treasurer for

the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The ~~((warrants))~~ state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

Sec. 18. Section 1, page 3, Laws of 1890 and RCW 44.04.050 are each amended to read as follows:

The ~~((state auditor shall draw warrants on))~~ chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. ~~((Each of said warrants))~~ The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate.

Sec. 19. Section 1, page 10, Laws of 1890 and RCW 44.04.060 are each amended to read as follows:

The ~~((state auditor is))~~ chief clerk of the house of representatives and the secretary of the senate are hereby directed to ~~((draw warrants on))~~ prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The ~~((warrants))~~ state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates.

Sec. 20. Section 2, chapter 173, Laws of 1941 and RCW 44.04.090 are each amended to read as follows:

The state ~~((auditor))~~ treasurer shall issue warrants for said reimbursement ~~((on vouchers))~~ supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose.

Sec. 21. Section 47.01.160, chapter 13, Laws of 1961 as last amended by section 1, chapter 115, Laws of 1971 ex. sess. and RCW 47.01.160 are each amended to read as follows:

The state highway commission shall have the power and it shall

be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: PROVIDED, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: PROVIDED FURTHER, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts

and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state (~~auditor~~) treasurer.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(8) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(9) To exercise all other powers and perform all other duties now or hereafter provided by law.

Sec. 22. Section 47.08.080, chapter 13, Laws of 1961 and RCW 47.08.080 are each amended to read as follows:

In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state (~~auditor~~) treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the

highway commission in the same manner as payment is made for such work on state highways: PROVIDED, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

Sec. 23. Section 47.08.090, chapter 13, Laws of 1961 and RCW 47.08.090 are each amended to read as follows:

In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state ~~((auditor))~~ treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways.

Sec. 24. Section 47.08.100, chapter 13, Laws of 1961 and RCW 47.08.100 are each amended to read as follows:

The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the board of county commissioners

and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that ((the state auditor and)) the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of ((the state auditor and)) the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation.

Sec. 25. Section 47.56.050, chapter 13, Laws of 1961 and RCW 47.56.050 are each amended to read as follows:

(1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the Washington toll bridge authority, the state highway commission, the state treasurer, ((the state auditor,)) any city, county or other political subdivision of this state, and all said officers--

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll

bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend toll therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section.

Sec. 26. Section 47.56.180, chapter 13, Laws of 1961 and RCW 47.56.180 are each amended to read as follows:

Warrants for payments to be made on account of such bonds shall be duly drawn by the state (~~(auditor)~~) treasurer on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state (~~(auditor)~~) treasurer upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

Sec. 27. Section 47.58.040, chapter 13, Laws of 1961 as last amended by section 64, chapter 56, Laws of 1970 ex. sess. 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, 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)) state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state ((auditor)) treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state ((auditor)) treasurer 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, at such rate or rates of interest 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. 28. Section 47.60.060, chapter 13, Laws of 1961 as last amended by section 65, chapter 56, Laws of 1970 ex. sess. 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, 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)) state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state ((auditor)) treasurer: PROVIDED, That the countersignature of the governor on such bonds and the signature of the state ((auditor)) treasurer 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. 29. Section 51.40.040, chapter 23, Laws of 1961 and RCW 51.40.040 are each amended to read as follows:

The employer shall pay monthly into the medical aid fund ten percent of the amount he would have been required to pay in that month if such contract had not been made, and of that ten percent he shall collect one-half from his said workmen by proper deduction from the daily wage of each and, in addition thereto, every classification and subclassification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created a further sum to be determined by the director, through the division of industrial insurance, not exceeding ten percent of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. The surplus fund shall be used by the director only for the purpose of furnishing medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the director, otherwise incapable of rendering the required medical aid to the injured workmen. The amount at which such surplus fund shall be maintained in each classification and subclassification shall be determined by the director, through the division of industrial insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this chapter provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and subclassification the levy therefor may be suspended in the discretion of the director. Disbursements from said surplus fund shall be made by warrants drawn against the same by the ((state auditor)) department upon certificate thereof, or requisition therefor((, by the director,)) through the division of industrial insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do at any time during or after the expiration of his medical aid contract except as in this section provided: PROVIDED, That if, upon the expiration of any medical aid contract, the medical aid contractor does not renew it and forthwith and thereafter ceases the performance of all medical aid contracts as in this chapter provided, he shall be relieved from all liability to furnish future medical aid to the injured workman arising after the expiration of such contract or contracts, if he has

paid all levies theretofore made during the existence of such contract or contracts into the surplus fund.

Sec. 30. Section 51.44.110, chapter 23, Laws of 1961 and RCW 51.44.110 are each amended to read as follows:

Disbursement out of the several funds shall be made only upon warrants drawn by the ((state auditor upon vouchers therefor transmitted to him by the)) department ((and audited by him)). The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund.

Sec. 31. Section 15, chapter 197, Laws of 1949 as amended by section 11, chapter 252, Laws of 1959 and RCW 70.40.150 are each amended to read as follows:

The ((director)) secretary is hereby authorized to receive federal funds in behalf of, and transmit them to, such applicants or to approve applicants for federal funds and authorize the payment of such funds directly to such applicants as may be allowed by federal law. To achieve that end there is hereby established, separate and apart from all public moneys and funds of this state, a trust fund to be known as the "hospital and medical facility construction fund", of which the state treasurer shall ex officio be custodian. Moneys received from the federal government for construction projects approved by the surgeon general shall be deposited to the credit of this fund, shall be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects. Vouchers covering all payments from the hospital and medical facility construction fund shall be prepared by the department of social and health services and shall bear the signature of the ((director)) secretary or his duly authorized agent for such purpose, and warrants therefor shall be ((drawn)) signed by the state ((auditor as ex officio auditor of the fund)) treasurer.

Sec. 32. Section 72.08.170, chapter 28, Laws of 1959 and RCW 72.08.170 are each amended to read as follows:

The ((director)) secretary of the department of social and health services or his designee shall have power to offer rewards not exceeding two hundred dollars, in the one case for the return of

escaped convicts, and to pay the expenses of the apprehension, safekeeping and return of all escaped convicts by the officers of the penitentiary. He shall certify the amount of reward allowed and expenses incurred ~~((to))~~ and prepare a voucher for the state ~~((auditor))~~ treasurer, who shall draw his warrant for the amount found due ~~((on the state treasurer; who shall pay the same))~~ out of any funds available therefor.

Sec. 33. Section 74.08.370, chapter 26, Laws of 1959 and RCW 74.08.370 are each amended to read as follows:

All old age assistance grants under this title shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant ~~((of the state auditor to be))~~ drawn upon vouchers duly prepared and verified by the ~~((director of public assistance))~~ secretary of the department of social and health services or his official representative.

Sec. 34. Section 75.08.250, chapter 12, Laws of 1955 and RCW 75.08.250 are each amended to read as follows:

All expenses incurred under the provisions of this title shall be audited by the state auditor, upon bills presented, properly certified by the director, or his duly authorized assistant ~~((; and the said auditor shall draw warrants upon the state treasurer for the amount))~~ and vouchers shall be prepared by the department and forwarded to the state treasurer for payment.

Sec. 35. Section 77.12.390, chapter 36, Laws of 1955 and RCW 77.12.390 are each amended to read as follows:

Upon receipt of any voucher, the commissioner of public lands shall immediately execute the same and cause such lands to be withdrawn from lease. The said commissioner shall thereupon forward to the state ~~((auditor))~~ treasurer the said voucher and the state ~~((auditor))~~ treasurer shall thereupon draw a warrant against the state game fund and in favor of the particular fund for which the withdrawn lands have been theretofore held.

Sec. 36. Section 6, chapter 175, Laws of 1939 as last amended by section 1, chapter 49, Laws of 1951 and RCW 78.48.080 are each amended to read as follows:

In the event that any funds are made available from the federal government or from any department, division or agency thereof for the purpose of paying the cost of the establishment, location and construction of any mine to market road or trail, such funds shall be received by the state treasurer of the state of Washington and deposited by him in the motor vehicle fund: PROVIDED, That the director of highways and all officers, departments, boards or commissions of the state of Washington shall have the power to receive and use such federal funds in such manner as the federal agency making such contributions shall provide. In the event that

any private individual, firm, corporation or association may desire to make any contribution to aid in the cost of construction of any mine to market road or trail, such contribution shall be made in lawful money of the United States by delivery to the state treasurer and by him deposited to the credit of the motor vehicle fund for the use of the director of highways to defray the cost of establishment, location and construction of the mine to market road or trail, or that portion thereof for which such contribution was made.

Whenever, upon completion of a mine to market road or trail, there shall be an unexpended balance of a contribution received from a private individual, firm, corporation or association in aid of the construction of such mine to market road or trail the director of highways shall ~~((submit))~~ prepare a voucher to the state ~~((auditor))~~ treasurer for the issuance of a warrant in favor of the donor against the motor vehicle fund in the amount of such unexpended balance.

In the event that any private individual, firm, corporation or association desires to donate labor, machinery or equipment in aid of the location or construction of a mine to market road or trail the director of highways is authorized to accept and use the same.

Sec. 37. Section 7, chapter 69, Laws of 1909 as last amended by section 43, chapter 257, Laws of 1959 and RCW 79.24.030 are each amended to read as follows:

The board of natural resources and the state capitol committee may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of this act, and all expenses incurred by the board and committee, and all claims against the general fund--capitol building construction account shall be audited by the state capitol committee and presented in vouchers to the state ~~((auditor))~~ treasurer, who shall draw a warrant therefor against the general fund--capitol building construction account as herein provided or out of any appropriation made for such purpose.

Sec. 38. Section 13, chapter 240, Laws of 1951 and RCW 86.26.110 are each amended to read as follows:

No warrant shall be drawn ~~((by the state auditor))~~ to the credit of the flood control maintenance account of any participating local agency except on vouchers for reimbursement of expenditures therefor made and properly supported and approved by the local flood control engineer and by the supervisor of flood control.

Sec. 39. Section 3, chapter 105, Laws of 1929 as amended by section 1, chapter 209, Laws of 1939 and RCW 90.16.090 are each amended to read as follows:

All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation revolving fund and subject to legislative appropriation, be allocated and expended by

the director of the department of conservation for investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys(~~(; the state auditor may anticipate receipts and issue warrants to cover such expenditures in any amount not exceeding twenty-five thousand dollars)~~): PROVIDED, That in any one biennium all said expenditures shall not exceed total receipts from said power license fees collected during said biennium: AND PROVIDED FURTHER, That the portion of money allocated by said director to be expended in cooperation with the federal government shall be contingent upon the federal government making available equal amounts for such investigations and surveys.

NEW SECTION. Sec. 40. Section 6, chapter 58, Laws of 1933 ex. sess., section 11, chapter 38, Laws of 1955, section 10, chapter 259, Laws of 1957 and RCW 2.16.060 are each repealed.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 107

[Engrossed Senate Bill No. 2342]

SCHOOL DISTRICTS--ELDERLY--NONPROFIT

MEAL PROGRAMS

AN ACT Relating to school districts; amending section 28A.58.136, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.136; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and creating a new section.

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

NEW SECTION. Section 1. The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a matter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts of their own. It is the declared purpose of this 1973 amendatory act to raise the level of dignity of the aged population where their remaining years can be lived in a

fulfillment equal to the benefits they have bestowed, the richness they have added, and the great part they have played in the life of our society and nation.

Sec. 2. Section 28A.58.136, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.136 are each amended to read as follows:

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: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in section 3 of this 1973 amendatory act. 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. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program for feeding elderly persons residing within the area served by such school district using school facilities, and may authorize the extension of any school food services for the purpose of feeding elderly persons, subject to the following conditions and restrictions:

(1) The charge to such persons for each meal shall not exceed the actual cost of such meal to the school.

(2) The program will utilize methods of administration which will assure that the maximum number of eligible individuals may have an opportunity to participate in such a program, and will coordinate, whenever possible, with the local area agency on aging.

(3) Any non-profit meal program established pursuant to this act may not be operated so as to interfere with the normal educational process within the schools.

(4) No school district funds may be used for the operation of such a meal program.

(5) For purposes of this act, "elderly persons" shall mean persons who are at least sixty years of age.

Passed the Senate March 2, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 108
[Senate Bill No. 2400]
FOREIGN CORPORATIONS--PROCESS
SERVICE FEE--INCREASE

AN ACT Relating to corporations; and amending section 8, chapter 218, Laws of 1937 and RCW 19.24.100.

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

Section 1. Section 8, chapter 218, Laws of 1937 and RCW 19.24.100 are each amended to read as follows:

All persons, groups, corporations, associations, foreign or domestic, violating this chapter, shall be deemed to have been doing business within this state and amenable to the process of the state courts, when any such persons, combinations, or groups shall have issued licenses, either from within or from without the state, for the privilege of using commercially and publicly any copyrighted work or works pooled in a common group or entity, or when any of the functions of said entity, organization, pool, or combine, is or has been performed in this state; and the business of spying upon and the warning of users of the copyrighted works of such combinations, in addition to the presence within the state of such persons, and the activities of such persons or their agents at any time or occasion for the detection of infringements within this state, shall be conclusive evidence that such combinations and persons, even though nonresidents, have accepted the privileges of doing business within this state, and such persons, if they abide by the provisions of this chapter, shall be granted the privilege of conducting business within this state in a legal manner, and may invoke the benefits of the state government and its political subdivisions in their behalf, and they may use all of the privileges available to the citizens of this

state in general, and the use at any time of any general privilege available to any citizen of this state, by any of such agents, their attorneys, or representative, or investigator, or by any aider and abettor, or any nonresident person, group, entity, or combination as aforesaid, shall be deemed to be an acceptance of the provisions of this chapter; and all licensees of any violator of this chapter shall be deemed as aiders and abettors of said persons and subject to the provisions of this chapter unless they forthwith indicate their obedience herewith; and the acceptance of the general privileges of the state of Washington by any nonresident copyright holder or owner, or combination, defendant, or person, or organization of any kind, or entity, through an investigator, attorney, agent, representative, or through any aider and abettor as herein defined, and the acceptance by such persons of the rights, police protection, or of any general privilege conferred by the law of this state to any of its citizens, including the use of the roads and highways, or the privileges of any of its political subdivisions, as evidenced by their presence within the state at any time, shall be deemed equivalent to and construed to be an appointment by such nonresident or nonresidents, as the case may be, of the secretary of state of the state of Washington to be his or their true and lawful attorney upon whom may be served all summons and processes against him or them and growing out of a violation of this chapter, in which said nonresident may be involved, and said acceptance of the privileges of this state, as aforesaid, shall be a signification of his or their agreement that any summons or process against him or them which is so served shall be of the same legal force and validity as if served on him or them personally within the state of Washington. Service of such summons or process shall be made by leaving a copy thereof with a fee of ~~((two))~~ five dollars with the secretary of the state of Washington, or in his office, and such service shall be sufficient and valid personal service upon any such nonresident defendant, copyright holder or owner, persons, or defendants, combination, entity, or organization, as aforesaid: PROVIDED, That notice of such service and a copy of the summons of process shall be forthwith sent by registered mail requiring personal delivery, by the prosecutor bringing any action under this chapter, to any defendant at his last known address, and the defendant's return receipt and the prosecutor's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: PROVIDED, FURTHER, The court in which any action is brought may order such continuances as may be necessary to afford any nonresident defendant or groups, or entity, a reasonable opportunity to defend the action: PROVIDED, FURTHER, The secretary of state shall keep a record of all such summons and process which shall show the day and time of service; and valid personal service

shall thus be had on nonresident persons or individuals, entities, firms, or corporations violating this chapter.

Passed the Senate February 18, 1973.
Passed the House February 28, 1973.
Approved by the Governor March 19, 1973.
Filed in Office of Secretary of State March 19, 1973.

CHAPTER 109
[Senate Bill No. 2508]
PUBLIC PROPERTY--TRANSFER--
FEDERAL GOVERNMENT

AN ACT Relating to intergovernmental disposition of property; and amending section 1, chapter 133, Laws of 1953 as amended by section 1, chapter 95, Laws of 1972 ex. sess. and RCW 39.33.010.

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

Section 1. Section 1, chapter 133, Laws of 1953 as amended by section 1, chapter 95, Laws of 1972 ex. sess. and RCW 39.33.010 are each amended to read as follows:

(1) The state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof, or the federal government, on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned: PROVIDED, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political subdivision thereof concerned, which requests authority to transfer such property.

(2) This section shall be deemed to provide an alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of any other powers vested in the state, municipalities or political subdivisions.

(3) No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to May 23, 1972 shall be construed to be invalid solely because the parties thereto did not comply with the procedures of this section.

Passed the Senate February 18, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 110
[Senate Bill No. 2527]
INDUSTRIAL INSURANCE COVERAGE--
REGISTERED APPRENTICES

AN ACT Relating to industrial insurance; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 77, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.140; amending section 17, chapter 289, Laws of 1971 ex. sess. as amended by section 24, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.073; adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW; and making an appropriation.

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

NEW SECTION. Section 1. There is added to chapter 23, Laws of 1961 and to chapter 51.12 RCW a new section to read as follows:

(1) All persons registered as apprentices or trainees with the state apprenticeship council and participating in supplemental and related instruction classes conducted by a school district, a community college, a vocational school, or a local joint apprenticeship committee, shall be considered as workmen of the state apprenticeship council and subject to the provisions of Title 51 RCW, for the time spent in actual attendance at such supplemental and related instruction classes.

(2) The assumed wage rate for all apprentices or trainees during the hours they are participating in supplemental and related instruction classes, shall be three dollars per hour. This amount shall be used for purposes of computations of premiums, and for purposes of computations of disability compensation payments.

(3) Only those apprentices or trainees who are registered with the state apprenticeship council prior to their injury or death and who incur such injury or death while participating in supplemental and related instruction classes shall be entitled to benefits under the provisions of Title 51 RCW.

(4) The filing of claims for benefits under the authority of

this section shall be the exclusive remedy of apprentices or trainees and their beneficiaries for injuries or death compensable under the provisions of Title 51 RCW against the state, its political subdivisions, the school district, community college, or vocational school and their members, officers or employees or any employer regardless of negligence.

(5) This section shall not apply to any apprentice or trainee who has earned wages for the time spent in participating in supplemental and related instruction classes.

Sec. 2. Section 51.16.140, chapter 23, Laws of 1961 as last amended by section 77, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.140 are each amended to read as follows:

Every employer who is not a self-insurer shall deduct from the pay of each of his workmen one-half of the amount he is required to pay, for medical benefits within each risk classification. Such amount shall be periodically determined by the director and reported by him to all employers under this title: PROVIDED, That the state governmental unit shall pay the entire amount into the medical aid fund for volunteers, as defined in RCW 51.12.035, and the state apprenticeship council shall pay the entire amount into the medical aid fund for registered apprentices or trainees, for the purposes of section 1 of this 1973 amendatory act. It shall be unlawful for the employer, unless specifically authorized by this title, to deduct or obtain any part of the premium or other costs required to be by him paid from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

Sec. 3. Section 17, chapter 289, Laws of 1971 ex. sess. as amended by section 24, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.073 are each amended to read as follows:

Each employer shall retain from the earnings of each workman that amount as shall be fixed from time to time by the director, the basis for measuring said amount to be determined by the director. The money so retained shall be matched in an equal amount by each employer, and all such moneys shall be remitted to the department in such manner and at such intervals as the department directs and shall be placed in the supplemental pension fund; PROVIDED, That the state apprenticeship council shall pay the entire amount into the supplemental pension fund for registered apprentices or trainees during their participation in supplemental and related instruction classes. The moneys so collected shall be used exclusively for the additional payments prescribed in RCW 51.32.070 and shall be no more than necessary to make such payments on a current basis.

NEW SECTION. Sec. 4. There is appropriated to the division of apprenticeship of the department of labor and industries from the

general fund, the sum of twenty-four thousand six hundred dollars, or so much thereof as may be necessary, for the biennium ending June 30, 1975, to carry out the purposes of this 1973 amendatory act.

Passed the Senate February 21, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 111

[Senate Bill No. 2568]

SCHOOL DISTRICTS--2ND AND 3RD CLASS--

WARRANTS ISSUANCE--AUTHORIZED

AN ACT Relating to the issuance of warrants; amending sections 28A.66.010 and 28A.66.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.010 and 28A.66.040; amending section 36.22.090, chapter 4, Laws of 1963 and RCW 36.22.090; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.60 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and creating a new section.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.60 RCW a new section to read as follows:

Second and third class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chairman of the board 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 chairman of the board personally imposes too great a task on the chairman, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chairman of the board, 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.

Accounts and the records of second and third class school districts drawing and issuing warrants as provided in this section shall at all times be subject to the inspection and examination of

the intermediate school district superintendent, 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.

Sec. 2. Section 28A.66.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.010 are each amended to read as follows:

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, and all warrants of second and third class districts electing to draw and issue their own warrants under section 1 of this 1973 amendatory act, received from school district superintendents or district secretaries before delivery of the same to claimants.

Sec. 3. Section 28A.66.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.040 are each amended to read as follows:

The county auditor shall draw and issue warrants for the payment of all salaries, expenses and accounts against second and third class districts, except those who draw and issue their own warrants pursuant to section 1 of this 1973 amendatory act, ((and third class districts)) upon the written order of the majority members of the school board of each district.

Sec. 4. Section 36.22.090, chapter 4, Laws of 1963 and RCW 36.22.090 are each amended to read as follows:

All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class, who do not issue their own warrants, ((and third class)) as well as political subdivisions within the county for which no other provision is made by law, shall be drawn and issued by the county auditor of the county wherein such subdivision is located upon vouchers properly approved by the governing body thereof.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Any school district authorized to draw and issue their own warrants may deposit the cumulative total of the net earnings of any group of employees in one or more banks within the state such group or groups may designate, to be credited to the individuals composing such groups, by a single warrant to each bank so designated or by other commercially acceptable methods: PROVIDED, That any such collective authorization shall be made in writing by a minimum of twenty-five employees or ten percent of the employees, whichever is less.

NEW SECTION. Sec. 6. If any provision of this 1973 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 March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 112

[Senate Bill No. 2038]

NATURE CONSERVANCY LANDS--TAX EXEMPTION

AN ACT Relating to revenue and taxation; amending section 43, chapter 149, Laws of 1967 ex. sess. and RCW 84.36.260; and adding new sections to chapter 84.36 RCW.

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

Section 1. Section 43, chapter 149, Laws of 1967 ex. sess. and RCW 84.36.260 are each amended to read as follows:

All real property (~~whether real or personal~~) or leaseholds thereof used exclusively for the conservation of ecological systems or natural resources, owned in fee or by contract purchase by any nonprofit corporation or association the primary purpose of which is (~~providing education and recreation for the general public and the conservation of natural resources for such education and recreation~~) the conducting or facilitating of scientific research or the conserving of natural resources for the general public, shall be exempt from ad valorem taxation if either of the following conditions are met:

(1) Such property shall be used (~~solely~~) and effectively dedicated primarily for the purpose of providing (~~recreation or education~~) scientific research or educational opportunities for the general public or the preservation of native plants or animals, or biotic communities, or works of ancient man or geological or geographical formations, of distinct scientific and educational interest, and not for the pecuniary benefit of any person or company, as defined in RCW 82.04.030; and shall be open to the general public for educational and scientific research purposes subject to reasonable restrictions designed for its protection; or

(2) Such property shall be subject to an option, accepted in writing by the state, a city or a county, or department of the United States government, for the purchase thereof by the state, a city or a county, or the United States, at a price not exceeding the lesser of the following amounts: (a) the sum of the original purchase cost to such nonprofit corporation or association plus interest from the date

of acquisition by such corporation or association at the rate of six percent per annum compounded annually to the date of the exercise of the option; or (b) the appraised value of the property at the time of the granting of the option, as determined by the department of revenue or when the option is held by the United States, or by an appropriate agency thereof.

NEW SECTION. Sec. 2. There is added to chapter 84.36 RCW a new section to read as follows:

Upon cessation of the use which has given rise to an exemption hereunder, the county treasurer shall collect all taxes which would have been paid had the property not been exempt during the ten years preceding, or the life of such exemption if such be less, together with interest at the same rate and computed in the same way as that upon delinquent property taxes.

NEW SECTION. Sec. 3. There is added to chapter 84.36 RCW a new section to read as follows:

Owners of property desiring tax exempt status pursuant to the provisions of RCW 84.36.260, as now or hereafter amended, shall make an application therefor with the assessor of the county wherein such property is located. Prior to approval the assessor shall forward a copy of the initial application to the department of revenue and a copy of the option if such property qualifies pursuant to RCW 84.36.260(2), as now or hereafter amended. Such option shall clearly state the purchase price pursuant to the option or the appraisal value as determined by the department of revenue.

Passed the Senate March 2, 1973.

Passed the House February 23, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 113

[Engrossed Senate Bill No. 2251]

MUTUAL CORPORATIONS--NAME REQUIREMENTS

AN ACT Relating to corporations; and amending section 9, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.045.

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

Section 1. Section 9, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.045 are each amended to read as follows:

The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation existing under any act of this state, or any foreign corporation authorized to transact business or conduct affairs in this state under any act of this state or a corporate name reserved or registered as permitted by the laws of this state.

(3) Shall be transliterated into letters of the English alphabet if it is not in English.

(4) The name of any corporation formed under this section after the effective date of this amendatory act shall not end with "incorporated", "company", or "corporation" or any abbreviation thereof, but may use "club", "league", "association", "services", "committee", "fund", "society", or any name of like import.

Passed the Senate February 14, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 114

[Engrossed Senate Bill No. 2350]

COURT OF APPEALS--PRO TEM JUDGES--

APPOINTMENT--COMPENSATION

AN ACT Relating to the appointment and compensation of pro tempore judges of the court of appeals; and adding new sections to chapter 2.06 RCW.

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

NEW SECTION. Section 1. There is added to chapter 2.06 RCW a new section to read as follows:

(1) Whenever necessary for the prompt and orderly administration of justice, the chief justice of the supreme court of the state of Washington may appoint any regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the court of appeals: PROVIDED, HOWEVER, That no judge pro tempore appointed to serve on the court of appeals may serve more than ninety days in any one year: AND PROVIDED FURTHER, That the court of appeals shall not utilize the services of judges pro tempore to exceed two hundred forty court days during any one year.

(2) Before entering upon his duties as judge pro tempore of the court of appeals, the appointee shall take and subscribe an oath

of office as provided for in Article IV, section 28 of the state Constitution.

NEW SECTION. Sec. 2. There is added to chapter 2.06 RCW a new section to read as follows:

(1) A judge of a court of record serving as a judge pro tempore of the court of appeals, as provided in section 1 of this 1973 act, shall receive, in addition to his actual travel expense or ten cents per mile, whichever is less, from his residence and in addition his regular salary, his actual living expenses not to exceed forty dollars per day during his term of service as judge pro tempore.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the court of appeals, as provided in section 1 of this 1973 act, shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) His actual travel expenses or ten cents per mile, whichever is less, from his residence and in addition his living expenses not to exceed forty dollars per day during his term of service as judge pro tempore; and

(b) During the period of his service as judge pro tempore, he shall receive as compensation sixty percent of one-two hundred and fiftieth of the annual salary of a court of appeals judge for each day of service: PROVIDED, HOWEVER, That the total amount of combined compensation received as salary and retirement by any judge in any calendar year shall not exceed the yearly salary of a full-time judge.

(3) Whenever a judge of a court of record is appointed to serve as judge pro tempore of the court of appeals and a visiting judge is assigned to replace him, the actual travel expenses or ten cents per mile, whichever is less, from place of residence and in addition the living expenses not to exceed forty dollars per day incurred by such visiting judge as a result of such assignment shall be paid upon application of such judge from the appropriation of the court of appeals.

(4) The provisions of sections 1 and 2 of this 1973 act shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his dependents.

Passed the Senate March 2, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 115

[Engrossed Senate Bill No. 2440]

TRANSPORTATION--CARRIERS--COMMISSION AUTHORITY

AN ACT Relating to regulation of transportation and storage; and amending section 12, chapter 106, Laws of 1963 as amended by section 1, chapter 51, Laws of 1971 and RCW 46.85.120; amending section 3, chapter 59, Laws of 1963 and RCW 81.04.405; amending section 81.48.030, chapter 14, Laws of 1961 as amended by section 1, chapter 143, Laws of 1971 ex. sess. and RCW 81.48.030; amending section 3, chapter 134, Laws of 1969 and RCW 81.53.281; amending section 81.68.050, chapter 14, Laws of 1961 and RCW 81.68.050; amending section 7, chapter 150, Laws of 1965 as amended by section 4, chapter 132, Laws of 1969 and RCW 81.70.060; amending section 8, chapter 132, Laws of 1969 and RCW 81.70.095; amending section 11, chapter 150, Laws of 1965 as amended by section 9, chapter 132, Laws of 1969 and RCW 81.70.100; amending section 6, chapter 295, Laws of 1961 and RCW 81.77.050; amending section 81.80.090, chapter 14, Laws of 1961 and RCW 81.80.090; amending section 81.80.150, chapter 14, Laws of 1961 and RCW 81.80.150; amending section 81.80.270, chapter 14, Laws of 1961 as last amended by section 12, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.270; amending section 2, chapter 134, Laws of 1965 ex. sess. and RCW 81.80.272; amending section 81.84.040, chapter 14, Laws of 1961 and RCW 81.84.040; repealing 81.80.180, chapter 14, Laws of 1961 and RCW 81.80.180; and prescribing penalties.

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

Section 1. Section 12, chapter 106, Laws of 1963 as amended by section 1, chapter 51, Laws of 1971 and RCW 46.85.120 are each amended to read as follows:

(1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW ((and RCW 81.80.320)), register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2) (b) hereof by the fraction obtained under subsection (2) (a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of five dollars per motor truck, truck tractor or auto stage, and three dollars per vehicle of any other type.

Sec. 2. Section 3, Chapter 59, Laws of 1963 and RCW 81.04.405 are each amended to read as follows:

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission, and every person or corporation violating the provisions of any cease and desist order issued pursuant to section 15 of this 1973 amendatory act, shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable

when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

Sec. 3. Section 81.48.030, chapter 14, Laws of 1961 as amended by section 1, chapter 143, Laws of 1971 ex. sess. and RCW 81.48.030 are each amended to read as follows:

The right to fix and regulate the speed of railway trains within the limits of code cities, cities of the second class, third class, towns, and at grade crossings as defined in RCW 81.53.010 where such grade crossings are outside the limits of cities and towns, is vested exclusively in the commission: PROVIDED, That RCW 81.48.030 and 81.48.040 shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns.

Sec. 4. Section 3, chapter 134, Laws of 1969 and RCW 81.53.281 are each amended to read as follows:

There is hereby created in the state treasury a "grade crossing protective fund," to which shall be transferred all moneys appropriated for the purpose of carrying out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291. At the time the commission makes each allocation of cost to said grade crossing protective fund, it shall certify that such cost shall be payable out of said fund. Upon completion of the installation of any such signal or other protective device, the railroad shall present its claim for reimbursement for the cost of installation from said fund of the amount allocated thereto by the commission. The annual cost of maintenance shall be presented and paid in a like manner. The

commission is hereby authorized to recover administrative costs from said fund in an amount not to exceed three percent of the direct appropriation provided for any biennium, and in the event administrative costs exceed three percent of the appropriation, the excess shall be chargeable to regulatory fees paid by railroads pursuant to RCW 81.24.010.

Sec. 5. Section 81.68.050, chapter 14, Laws of 1961 and RCW 81.68.050 are each amended to read as follows:

((The commission shall collect the following miscellaneous fees from auto transportation companies:))

Any application for a certificate of public convenience and necessity or ((to amend a certificate, twenty-five dollars;)) amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ((ten dollars)) shall be accompanied by such filing fees as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 6. Section 7, chapter 150, Laws of 1965 as amended by section 4, chapter 132, Laws of 1969 and RCW 81.70.060 are each amended to read as follows:

Each annual application for a certificate to act as a charter party carrier of passengers pursuant to the ((provision)) provisions of this chapter shall be accompanied by an annual renewal fee of twenty-five dollars. Each initial application for a permanent or temporary certificate, or transfer or encumbrance of a certificate shall be accompanied by ((a)) such filing fee ((of)) as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 7. Section 8, chapter 132, Laws of 1969 and RCW 81.70.095 are each amended to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a passenger charter carrier company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the territory covered thereby is not contained in the certificate of any other passenger charter carrier company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. ((The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate;))

Sec. 8. Section 11, chapter 150, Laws of 1965 as amended by

section 9, chapter 132, Laws of 1969 and RCW 81.70.100 are each amended to read as follows:

No certificate issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned or otherwise transferred or encumbered, unless authorized by the commission. ~~((A filing fee of fifty dollars shall accompany all such applications.))~~

Sec. 9. Section 6, chapter 295, Laws of 1961 and RCW 81.77.050 are each amended to read as follows:

~~((The commission shall collect the following miscellaneous fees from garbage and refuse collection companies:))~~

Any application for a certificate of public convenience and necessity or ((to amend a certificate, twenty-five dollars;)) amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ((ten dollars)) shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 10. Section 81.80.090, chapter 14, Laws of 1961 and RCW 81.80.090 are each amended to read as follows:

The commission shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and for transfer of permits and for acquisition of control of carriers holding permits, and shall make regulations for the filing thereof. Any such application((s for permits and for extensions thereof)) shall be accompanied by ((the following fees: Applications for permits:.....twenty-five dollars; Applications for temporary permits:.....ten dollars; Applications for extension of permits:.....ten dollars)) such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

Sec. 11. Section 81.80.150, chapter 14, Laws of 1961 and RCW 81.80.150 are each amended to read as follows:

The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the

commission: PROVIDED, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes (~~to be made permanent, however, only after notice and hearing~~) which may be made permanent only after publication in an applicable tariff for not less than sixty days, and determination by the commission thereafter that the rates, charges or classifications are just, fair and reasonable: PROVIDED FURTHER, That temporary rates shall not be made permanent except upon notice and hearing if within sixty days from date of publication, a shipper or common carrier, or representative of either, shall file with the commission a protest alleging such temporary rates to be unjust, unfair or unreasonable. For purposes of this proviso, the publication of temporary rates in the tariff shall be deemed adequate public notice. Nothing herein shall be construed to prevent the commission from proceeding on its own motion, upon notice and hearing, to fix and determine just, fair and reasonable rates, charges and classifications. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for not to exceed ten dollars for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee of not to exceed ten dollars per tariff to cover the cost of issuing corrections or supplements and mailing them to subscribers: PROVIDED, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: PROVIDED FURTHER, That the commission may by order authorize common carriers to publish and file tariffs with the commission and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct, compile, publish and distribute tariffs covering such commodities and services.

Sec. 12. Section 81.80.270, chapter 14, Laws of 1961 as last amended by section 12, chapter 210, Laws of 1969 ex. sess. and RCW 81.80.270 are each amended to read as follows:

No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission(~~7~~ and upon the payment of a fee of twenty-five dollars).

No person, partnership or corporation, singly or in combination with any other person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control or enter into any agreement or arrangement to acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission: PROVIDED, That upon the dissolution of a partnership, which holds a permit, because of the death, bankruptcy, or withdrawal of a partner where such partner's interest is transferred to his spouse or to one or more remaining partners, or in the case of a corporation which holds a permit, in the case of the death of a shareholder where a shareholder's interest upon death is transferred to his spouse or to one or more of the remaining shareholders, the commission shall transfer the permit to the newly organized partnership which is substantially composed of the remaining partners, or continue the corporation's permit without making the proceeding subject to hearing and protest. In all other cases any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect, and it shall be unlawful for any person seeking to acquire or divest control of such permit to be a party to any such transaction without approval of the commission.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification cards issued to him.

Sec. 13. Section 2, chapter 134, Laws of 1965 ex. sess. and RCW 81.80.272 are each amended to read as follows:

Except as otherwise provided in RCW 81.80.270 any permit granted to any person under this chapter and held by that person alone or in conjunction with others other than as stockholders in a corporation at the time of his death shall be transferable the same as any other right or interest of the person's estate subject to the following:

(1) Application for transfer shall be made to the commission in such form and contain such information as the commission shall prescribe (~~and shall be accompanied by a fee of twenty-five dollars~~). The transfer described in any such application shall be approved if it appears from the application or from any hearing held thereon or from any investigation thereof that the proposed transferee is fit, willing and able properly to perform the services authorized by the permit to be transferred and to conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, otherwise the application

shall be denied.

(2) Temporary continuance of motor carrier operations without prior compliance with the provisions of this section will be recognized as justified by the public interest in cases in which the personal representatives, heirs or surviving spouses of deceased persons desire to continue the operations of the carriers whom they succeed an interest subject to such reasonable rules and regulations as the commission may prescribe.

In case of temporary continuance under this section the successor shall immediately procure insurance or deposit security as required by RCW 81.80.190.

Immediately upon any such temporary continuance of motor carrier operations and in any event not more than thirty days thereafter the successor shall give notice of the succession by written notice to the commission containing such information as the commission shall prescribe.

Sec. 14. Section 81.84.040, chapter 14, Laws of 1961 and RCW 81.84.040 are each amended to read as follows:

~~((The commission shall collect the following miscellaneous fees from steamboat companies:))~~ Any application for a certificate of public convenience and necessity ~~((, or to amend certificate, fifty dollars;))~~ or amendment thereof, or application to sell, lease, mortgage, or transfer a certificate of public conveyance and necessity or any interest therein, ~~((ten dollars))~~ shall be accompanied by such filing fee as the commission may prescribe by rule: PROVIDED, That such fee shall not exceed two hundred dollars.

NEW SECTION. Sec. 15. There is added to chapter 14, Laws of 1961 and to chapter 81.04 RCW a new section to read as follows:

Whether or not any person or corporation is conducting business requiring operating authority, or has performed or is performing any act requiring approval of the commission without securing such approval, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person or corporation is engaged in operations without the necessary approval or authority required by any provision of this Title, it may institute a special proceeding requiring such person or corporation to appear before the commission at a location convenient for witnesses and the production of evidence and bring with him books, records, accounts and other memoranda, and give testimony under oath as to his operations or acts, and the burden shall rest upon such person or corporation of proving that his operations or acts are not subject to the provisions of this chapter. The commission may consider any and all facts that may indicate the true nature and extent of the operations or acts and may subpoena such witnesses and documents as it deems necessary.

After having made the investigation herein described, the commission is authorized and directed to issue the necessary order or orders declaring the operations or acts to be subject to, or not subject to, the provisions of this Title. In the event the operations or acts are found to be subject to the provisions of this Title, the commission is authorized and directed to issue cease and desist orders to all parties involved in the operations or acts.

In proceedings under this section no person or corporation shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person or corporation shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: PROVIDED, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

NEW SECTION. Sec. 16. Section 81.80.180, chapter 14, Laws of 1961 and RCW 81.80.180 are each hereby repealed.

Passed the Senate February 19, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 116

[Engrossed Senate Bill No. 2464]

HIGHWAY CONSTRUCTION--SMALL BUSINESS AND MINORITY CONTRACTORS--
 BID ASSISTANCE

AN ACT Relating to the construction and maintenance of highways; amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 78, Laws of 1971 ex. sess. and RCW 47.28.030; and amending section 47.28.050, chapter 13, Laws of 1961 as amended by section 1, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.050.

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

Section 1. Section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 78, Laws of 1971 ex. sess. and RCW 47.28.030 are each amended to read as follows:

A state highway shall be constructed, altered, repaired, or

improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: PROVIDED, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. ((The state highway commission may authorize any district engineer of the department of highways to publish calls for bids and award contracts for work not exceeding a cost of fifteen thousand dollars. All such awards shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section:

Whenever the work to be performed is repair or maintenance of an existing highway; surveying; test drilling; or other exploratory engineering on an existing or proposed highway)) To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission may adopt rules and regulations providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed ((seven thousand five hundred)) twenty-five thousand dollars((; and delay of performance thereof would jeopardize a state highway or inconvenience the traveling public; the state highway commission may negotiate without a call for bids a contract for the furnishing of any equipment with operator and/or materials and supplies required for performance of the work; and in such instances the contractor furnishing such equipment; and/or materials and supplies need not be prequalified pursuant to RCW 47.28.070 nor furnish a bid deposit or performance bond)). The rules and regulations adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but in the event such a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics and sub-contractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the

prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

Sec. 2. Section 47.28.050, chapter 13, Laws of 1961 as amended by section 1, chapter 180, Laws of 1969 ex. sess. and RCW 47.28.050 are each amended to read as follows:

Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: PROVIDED, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: PROVIDED FURTHER, That when the estimated cost of a contract to be awarded is ~~((five thousand))~~ seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids.

Passed the Senate March 2, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 117

[Engrossed Senate Bill No. 2559]

COUNTY AGRICULTURAL FAIRS--LEASEHOLD

TAX EXEMPTIONS

AN ACT Relating to agricultural fairs; amending section 1, chapter 85, Laws of 1969 and RCW 15.76.165; and declaring an emergency.

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

Section 1. Section 1, chapter 85, Laws of 1969 and RCW 15.76.165 are each amended to read as follows:

Any county which owns or leases property from another governmental agency and provides such property for area or county and district agricultural fair purposes may apply to the director for

special assistance in carrying out necessary capital improvements to such property and maintenance of the appurtenances thereto, and in the event such property and capital improvements are leased to any organization conducting an agricultural fair pursuant to chapter 15.76 RCW and chapter 257 of the Laws of 1955, such leasehold and such leased property shall be exempt from real and personal property taxation.

NEW SECTION. Sec. 2. This 1973 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 March 2, 1973.

Passed the House February 27, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 118

[House Bill No. 262]

STATE SCHOOL FOR THE BLIND--BOARD OF
TRUSTEES--CREATED

AN ACT Relating to state institutions; adding a new chapter to Title 72 RCW; and creating new sections.

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

NEW SECTION. Section 1. It is the intention of the legislature in creating a board of trustees for the state school for the blind to perform the duties set forth in this chapter, that the board of trustees perform needed advisory services to the legislature and directly to the secretary of the department of social and health services, hereinafter denominated the "secretary", in the development of programs for the blind, and in the operation of the Washington state school for the blind.

NEW SECTION. Sec. 2. There is hereby created a board of trustees for the state school for the blind to be composed of eleven trustees, of whom seven voting members shall be appointed by the governor from a list of nominees to be submitted by the nominating committee in accordance with section 9 of this 1973 act. In making such appointments the governor shall give consideration to geographical exigencies and shall appoint one trustee residing in each of the state's congressional districts. A representative of the parent-teachers association of the Washington state school for the blind, a representative of the Washington council of the blind, a representative of the Washington state association for the blind and

one representative designated by the teacher association, Washington state school for the blind shall each be ex officio and nonvoting members of the board of trustees and shall serve during their respective tenures in such positions.

The initial appointees of the governor 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, two for three years, one for four years, and two for five years.

Thereafter the successors of the trustees initially appointed shall be appointed in accordance with procedure of section 9 of this 1973 act 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.

One trustee shall be a resident and qualified elector from each of the state's seven congressional districts. No voting trustee may be an employee of the state school for the blind, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority or any municipal corporation.

The 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. Four voting 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 superintendent of the state school for the blind 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. 3. Within thirty days of their appointment or July 1, 1973, whichever is sooner, the board 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.

NEW SECTION. Sec. 4. Under the general auspices of the secretary of the department of social and health services, the board of trustees of the state school for the blind:

(1) Shall monitor and inspect all existing facilities of the state school for the blind, and report its findings to the secretary;

(2) Shall study and recommend comprehensive programs of education and training and review the admission policy as set forth in RCW 72.40.040 and 72.40.050, and make appropriate recommendations to the secretary;

(3) Shall advise the secretary in selection of qualified candidates for superintendent, members of the faculty and such other administrative officers and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law. All employees and personnel classified under chapter 41.06 RCW shall continue, after the effective date of this chapter, 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 civil service law;

(4) May recommend to the secretary the establishment of new facilities as needs demand;

(5) May recommend to the secretary rules and regulations for the government, management, and operation of such housing facilities deemed necessary or advisable;

(6) May make recommendations to the secretary concerning 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 the school for the blind;

(7) May make recommendations to the secretary for adoption of rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the school for the blind;

(8) Shall recommend to the secretary, with the assistance of the faculty, the course of study including vocational training in the school for the blind, in accordance with other applicable provisions of law and rules and regulations;

(9) May grant to every student, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

(10) Shall participate in the development of, and monitor the enforcement of the rules and regulations pertaining to the school for the blind;

(11) Shall perform any other duties and responsibilities prescribed by the secretary.

NEW SECTION. Sec. 5. The board of trustees shall recommend rules and regulations determining eligibility for and certification of teachers in the state school for the blind, including certification for emergency or temporary, substitute or provisional duty.

NEW SECTION. Sec. 6. Each member of the board of trustees

shall receive per diem as provided in RCW 43.03.050, and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the state school for the blind.

NEW SECTION. Sec. 7. The board of trustees shall meet at least six times each year.

NEW SECTION. Sec. 8. The board of trustees shall appoint a local advisory committee consisting of five or more persons from the local community and surrounding areas to advise the board on any matter relating to the development of vocational programs for the blind or relating to the operation of the state school for the blind.

NEW SECTION. Sec. 9. There is hereby created a nominating committee to select no less than seven nominees for consideration by the governor for initial trustees of the state school for the blind. The nominating committee shall be composed of the superintendent of the state school for the blind, the secretary of the department of social and health services, and the president of the parent-teachers association of the blind school. The members of the nominating committee shall be entitled to per diem and expenses as provided in RCW 43.03.050 and 43.03.060 and such payments shall be a proper charge to the board of trustees of the state school for the blind.

NEW SECTION. Sec. 10. Sections 1 through 9 shall constitute a new chapter in Title 72 RCW.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973, with the exception of two items in Section 2 and all of Section 9 which are vetoed.

Filed in Office of Secretary of State March 19, 1973.

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

"I am returning herewith, without my approval as to two items and one section, Engrossed House Bill 262 entitled:

"AN ACT Relating to state institutions."

Engrossed House Bill 262 creates a Board of Trustees for the State School for the Blind. The Board will be able to provide useful assistance to the School for the Blind and to the Department of Social and Health Services in improving the programs offered the students at the school.

The bill provides for seven members appointed by the

Veto
Message

Governor and four ex-officio members. The members appointed by the Governor must be selected from a list of nominees submitted by a nominating committee in accordance with section 9 of the bill.

Veto
Message

The nominating committee created by section 9 includes the superintendent of the state school for the blind, the secretary of the department of social and health services and the president of the parent-teacher association of the blind school. There is no requirement that more than seven nominees be submitted for the Governor's consideration.

This method of selecting the members of the Board of Trustees is excessively restrictive and does not assure that there will be an opportunity for adequate representation of those interested in the needs of the students at the School for the Blind and the interest of the general public.

Accordingly, I have determined to veto section 9 of the bill and those items in section 2 of the bill which refer to the nominating procedure contained in section 9. With the exception of section 9 and two items in section 2, I have approved the remainder of Engrossed House Bill 262."

CHAPTER 119

[House Bill No. 75]

FOOD AND DRUGS--HARMFUL ALTERATION--PENALTY

AN ACT Relating to certain alterations of edible substances; amending section 264, chapter 249, Laws of 1909 and RCW 69.40.030; and prescribing penalties.

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

Section 1. Section 264, chapter 249, Laws of 1909 and RCW 69.40.030 are each amended to read as follows:

Every person who shall wilfully mingle poison or place any harmful object or substance, including but not limited to pins, tacks, needles, nails, razor blades, wire, or glass in any food, drink ~~((or))~~, medicine, or other edible substance intended or prepared for the use of a human being or who shall knowingly furnish, with intent to harm another person, any food, drink, medicine, or other edible substance containing such poison or harmful object or

substance to another human being, and every person who shall wilfully poison any spring, well or reservoir of water, shall be punished by imprisonment in the state penitentiary for not less than five years or by a fine of not less than one thousand dollars; PROVIDED, HOWEVER, That this act shall not apply to the employer or employers of a person who violates the provisions contained herein without such employer's knowledge.

Passed the House March 8, 1973.

Passed the Senate February 26, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 120

[House Bill No. 98]

PUBLIC WORKS CONTRACTS--FALSE STATEMENT--PENALTY--
WAGE VIOLATION--PENALTY

AN ACT Relating to prevailing wages on public works; amending section 5, chapter 63, Laws of 1945 and RCW 39.12.050; and prescribing penalties.

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

Section 1. Section 5, chapter 63, Laws of 1945 and RCW 39.12.050 are each amended to read as follows:

Any contractor or subcontractor who shall upon his oath verify any statement required to be filed under this chapter which is known by him to be false, or is made without knowledge in reckless disregard of the truth, shall ((be guilty of perjury in the second degree and shall be punished as provided in REW 9.72.030.)), after a finding to that effect in a hearing held by the director of the department of labor and industries, subject to the provisions of chapter 34.04 RCW, be subject to a civil penalty not to exceed five hundred dollars, and shall not be permitted to bid on any contract covered by the provisions of this chapter until such penalty has been paid in full to the director.

To the extent that a contractor or subcontractor has not paid wages at the rate required by this chapter, and a finding to that effect has been made as provided by this section, such unpaid wages

shall constitute a lien of the first priority against such contractor's or subcontractor's bond according to the provisions of RCW 18.27.040.

Passed the House March 3, 1973.
Passed the Senate February 28, 1973.
Approved by the Governor March 19, 1973.
Filed in Office of Secretary of State March 19, 1973.

CHAPTER 121
[House Bill No. 128]
LAND TITLE REGISTRATION--
FEE INCREASE

AN ACT Relating to registration of land titles; amending section 4, chapter 62, Laws of 1917 and RCW 65.12.235; and amending section 95, chapter 250, Laws of 1907 and RCW 65.12.790.

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

Section 1. Section 4, chapter 62, Laws of 1917 and RCW 65.12.235 are amended to read as follows:

Upon the filing of such application and the payment of a fee of ((one dollar)) five dollars, the registrar of titles, if it shall appear that the application is signed and acknowledged by all the registered owners of said land, shall issue to the [applicant] a certificate in substantially the following form:

This is to certify, That.....
the owner (or owners) in fee simple of the following described lands situated in the county of....., state of Washington, the title to which has been heretofore registered under the laws of the state of Washington, to wit: (here insert description of the property), having heretofore filed his (or their) application for the withdrawal of the title to said lands from the registry system; NOW, THEREFORE, The title to said above described lands has been withdrawn from the effect and operation of the title registry system of the state of Washington and the owner (or owners) of said lands is (or are) by law authorized to contract concerning, convey, encumber or otherwise deal with the title to said lands in the same manner and to the same extent as though said title had never been registered.

Witness my hand and seal this.....
day of, 19..... .

.....
Registrar of Titles for county.

Sec. 2. Section 95, chapter 250, Laws of 1907 and RCW 65.12.790 are each amended to read as follows:

The fees to be paid to the registrar of titles shall be as follows:

(1) At or before the time of filing of the certified copy of the application with the registrar, the applicant shall pay, to the registrar, on all land having an assessed value, exclusive of improvements, of one thousand dollars or less, one dollar, and twenty-five cents on each one thousand dollars, or major fraction thereof, of the assessed value of said land, additional.

(2) For granting certificates of title, upon each applicant, and registering the same, two dollars.

(3) For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the instruments connected therewith, and the issuance and registration of the new certificate of title, (~~three~~) ten dollars.

(4) When the land transferred is held upon any trust, condition, or limitation, an additional fee of three dollars.

(5) For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and endorsements upon duplicate certificates, (~~one dollar and fifty cents~~) three dollars.

(6) For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, (~~one dollar~~) three dollars.

(7) For filing copy of will, with letters testamentary, or filing copy of letters of administration, and entering memorial thereof, two dollars and fifty cents.

(8) For the cancellation of each memorial, or charge, (~~fifty cents~~) one dollar.

(9) For each certificate showing the condition of the register, one dollar.

(10) For any certified copy of any instrument or writing on file in his office, the same fees now allowed by law to county clerks and county auditors for like service.

(11) For any other service required, or necessary to carry out this chapter, and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

(12) For registration of each mortgage and issuance of duplicate of title a fee of five dollars; for each deed of trust and issuance of duplicate of title a fee of eight dollars.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 122

[House Bill No. 163]

INITIATIVES--PETITION--CODE REVISER REVIEW

AN ACT Relating to the initiative process; adding a new section to chapter 9, Laws of 1965 and chapter 29.79 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that the initiative process reserving to the people the power to propose bills, laws and to enact or reject the same at the polls, independent of the legislature, is finding increased popularity with citizens of our state. The exercise of this power concomitant with the power of the legislature requires coordination to avoid the duplication and confusion of laws. This legislation is enacted especially to facilitate the operation of the initiative process.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and to chapter 29.79 RCW a new section to read as follows:

Upon receipt of any petition proposing an initiative to the people or an initiative to the legislature, and prior to giving a serial number thereto, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the petitioner of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the petitioner and shall within ten working days from receipt thereof review the proposal for matters of form and style, and such matters of substantive import as may be agreeable to the petitioner, and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the reviser's office shall be advisory only, and the petitioner may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall issue whether or not the petitioner accepts such recommendations. Within fifteen working days after notification of submittal of the petition to the reviser's office, the petitioner, if he desires to proceed with his sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of serial number and the secretary of state shall thereupon submit to the reviser's office a certified copy of the measure filed. Upon submitting the proposal to the secretary of state for assignment of a serial number the secretary of state shall refuse to make such assignment unless the proposal is accompanied by a certificate of review.

NEW SECTION. Sec. 3. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 3, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 123

[House Bill No. 217]

STATE TREASURER--FUND INVESTMENTS--TIME DEPOSITS

AN ACT Relating to state government; adding a new chapter to Title 43 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositories. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to banks for services rendered to the state through the investment of state funds in time deposits.

NEW SECTION. Sec. 2. After the effective date of this act, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems necessary to insure efficient treasury management.

NEW SECTION. Sec. 3. Funds held in public depositories not as demand deposits as provided in section 2 of this act, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositories an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositories. These deposits

shall be allocated among the participating depositaries on a basis to be determined by the state treasurer. The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors.

NEW SECTION. Sec. 4. Except as provided in sections 2 and 3 of this act, nothing in this chapter shall be construed as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit.

NEW SECTION. Sec. 5. The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150.

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.

NEW SECTION. Sec. 7. Sections 1 through 7 of this act shall constitute a new chapter in Title 43 RCW.

Passed the House March 6, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 124

[House Bill No. 332]

INDUSTRIAL INSURANCE--CHILD FARM LABOR--FAMILY
EMPLOYMENT--EXEMPT

AN ACT Relating to industrial insurance; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.020.

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

Section 1. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.

(2) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer which does not exceed ten consecutive work days.

(3) A person whose work is casual and the employment is not in the course of the trade, business, or profession of his employer.

(4) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization.

(5) Sole proprietors and partners.

(6) Any employee, not regularly and continuously employed by the employer in agricultural labor, whose cash remuneration paid by or due from any one employer in that calendar year for agricultural labor is less than one hundred fifty dollars. Employees not regularly and continuously employed in agricultural labor by any one employer but who are employed in agricultural labor on a seasonal basis shall come under the coverage of this title only when their cash remuneration paid or due in that calendar year exceeds one hundred fifty dollars but only as of the occurrence of that event and only as to their work for that employer.

(7) Any child under eighteen years of age employed by his parent or parents in agricultural activities on the family farm.

Passed the House February 19, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 125

[House Bill No. 342]

PUBLIC EMPLOYEES--LIABILITY INSURANCE COVERAGE--
EMPLOYER PURCHASER

AN ACT Relating to the purchase of liability insurance; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding a new section to chapter 7, Laws of 1965 and to chapter 35.21 RCW; adding a new section to chapter 34, Laws of 1939 and to chapter 52.08 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 390, Laws of 1955 and to chapter 54.16 RCW; adding a new section to chapter 56.08 RCW; adding a new section to chapter 57.08 RCW; and adding a new section to chapter 87.03 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The board of directors of each school district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 2. There is added to chapter 7, Laws of 1965 and to chapter 35.21 RCW a new section to read as follows:

Each city or town may purchase liability insurance with such limits as it may deem reasonable for the purpose of protecting its officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 3. There is added to chapter 34, Laws of 1939 and to chapter 52.08 RCW a new section to read as follows:

The board of commissioners of each fire district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 4. There is added to chapter 53.08 RCW a new section to read as follows:

The board of commissioners of each port district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 5. There is added to chapter 390, Laws of 1955 and to chapter 54.16 RCW a new section to read as follows:

The board of commissioners of each public utility district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 6. There is added to chapter 56.08 RCW a new section to read as follows:

The board of commissioners of each sewer district may purchase

liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 7. There is added to chapter 57.08 RCW a new section to read as follows:

The board of water commissioners of each water district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

NEW SECTION. Sec. 8. There is added to chapter 87.03 RCW a new section to read as follows:

The board of directors of each irrigation district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 126

[House Bill No. 397]

PUBLIC DEPOSITORIES--LAW REVISIONS

AN ACT Relating to public depositories; amending section 35.38.010, chapter 7, Laws of 1965 as amended by section 22, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.010; amending section 35.38.030, chapter 7, Laws of 1965 as amended by section 24, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.030; amending section 35.38.040, chapter 7, Laws of 1965 as last amended by section 25, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.040; amending section 35A.40.030, chapter 119, Laws of 1967 1st ex. sess. and RCW 35A.40.030; amending section 36.48.010, chapter 4, Laws of 1963 as amended by section 27, chapter 193, Laws of 1969 ex. sess. and RCW 36.48.010; amending section 36.48.020, chapter 4, Laws of 1963 as last amended by section 28, chapter 193, Laws of 1969 ex.

sess. and RCW 36.48.020; amending section 36.48.080, chapter 4, Laws of 1963 and RCW 36.48.080; amending section 36.48.090, chapter 4, Laws of 1963 and RCW 36.48.090; amending section 1, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.010; amending section 2, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.020; amending section 5, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.050; amending section 6, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.060; amending section 7, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.070; amending section 6, chapter 184, Laws of 1951 as amended by section 1, chapter 213, Laws of 1967 and RCW 41.48.060; amending section 43.85.010, chapter 8, Laws of 1965 as amended by section 14, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.010; amending section 43.85.030, chapter 8, Laws of 1965 as last amended by section 15, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.030; adding a new section to chapter 7, Laws of 1965 and to chapter 35.38 RCW; repealing section 35.38.020, chapter 7, Laws of 1965, section 5, chapter 132, Laws of 1967, section 2, chapter 28, Laws of 1969, section 23, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.020; repealing section 43.85.040, chapter 8, Laws of 1965, section 16, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.040; repealing section 43.85.060, chapter 8, Laws of 1965, section 17, chapter 193, Laws of 1969 ex. sess., section 1, chapter 72, Laws of 1971 ex. sess. and RCW 43.85.060; repealing section 43.85.150, chapter 8, Laws of 1965, section 2, chapter 132, Laws of 1967, section 19, chapter 193, Laws of 1969 and RCW 43.85.150; repealing section 43.85.170, chapter 8, Laws of 1965, section 20, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.170; and declaring an emergency.

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

Section 1. Section 35.38.010, chapter 7, Laws of 1965 as amended by section 22, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.010 are each amended to read as follows:

The city treasurer in all cities having a population of seventy-five thousand or more inhabitants shall annually at the end of each fiscal year designate one or more banks in the city which ~~((meets the requirements for a))~~ are qualified public ~~((depository))~~ depositories as set forth by the public deposit protection commission as depository or depositories ~~((of))~~ for the moneys required to be kept by the treasurer, and such designation shall be subject to the approval of the mayor, and filed with the comptroller.

Sec. 2. Section 35.38.030, chapter 7, Laws of 1965 as amended by section 24, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.030 are each amended to read as follows:

Any city or town having a population of less than seventy-five thousand inhabitants shall, upon a majority vote of its governing body, instruct its city or town treasurer annually at the end of each fiscal year, or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein the city or town is located which ((meets the requirements of a)) are qualified public ((depository)) depositories as set forth by the public deposit protection commission as depository or depositories ((of)) for the moneys required to be kept by said treasurer: PROVIDED, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the governing body of the city or town.

Sec. 3. Section 35.38.040, chapter 7, Laws of 1965 as last amended by section 25, chapter 193, laws of 1969 ex. sess. and RCW 35.38.040 are each amended to read as follows:

Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the city or town clerk, segregate eligible securities as collateral as provided by RCW 39.58.050 ((securities authorized by RCW 35.38.020 as now or hereafter amended; if there has been no default in the payment of principal or interest thereon)) as now or hereafter amended.

Sec. 4. Section 35A.40.030, chapter 119, Laws of 1967 1st ex. sess. and RCW 35A.40.030 are each amended to read as follows:

The legislative body of a code city, at the end of each fiscal year, or at such other times as the legislative body may direct, shall designate one or more banks in the county wherein the code city is located as depository or depositories of the moneys required to be kept by the code city treasurer or other officer performing the duties commonly performed by the treasurer of a code city: PROVIDED, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the legislative body of such code city. The provisions ((of general law)) relating to ((such)) depositories, ((as)) contained in ((RCW 35.38.020)) chapter 39.58 RCW, as now or hereafter amended, are hereby recognized as applicable to code cities and to the depositories designated by them.

Sec. 5. Section 36.48.010, chapter 4, Laws of 1963 as amended by section 27, chapter 193, Laws of 1969 ex. sess. and RCW 36.48.010 are each amended to read as follows:

Each county treasurer shall annually on the second Monday in January, and at such other times as he deems necessary, designate one or more banks in the state which ((meets the requirements for a)) are qualified public ((depository)) depositories as set forth by the public deposit protection commission as depository or depositories

((of)) for all public funds held and required to be kept by him as such treasurer, and such designation or designations shall be in writing, and shall be filed with the board of county commissioners of his county, and no county treasurer shall deposit any public money in banks, except as herein provided.

Sec. 6. Section 36.48.020, chapter 4, Laws of 1963 as last amended by section 28, chapter 193, Laws of 1969 ex. sess. and RCW 36.48.020 are each amended to read as follows:

Before any such ((designation shall become effectual and entitle the)) treasurer ((to)) shall make ((deposits)) any deposit in such bank, the bank designated shall, within ten days after the designation has been filed, segregate securities eligible as collateral in accordance with RCW 39.58.050 as now or hereafter amended. ((the following eligible collateral:

{1} Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligations of any instrumentality of the United States; the interest and principal of which is unconditionally guaranteed by the United States;

{2} (a) Direct and general obligation bonds and warrants of the state of Washington; or of any other state of the United States;

(b) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

{3} Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision in the state, having the power to levy general taxes;

{4} Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW as now or hereafter amended;

{5} Bonds of any city of the state of Washington for the payment of which the entire revenue of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city. PROVIDED, That said treasurer need not accept for segregation any collateral described in this subsection if in his judgment it is not desirable so to do;

{6} In addition to the foregoing, every county depository may also segregate such bonds, securities and other obligations as are designated to be authorized security for all public deposits pursuant to: RCW 35.58.510, 35.81.110, 35.82.220, 39.60.030, 39.60.040 and 54.24.120 as now or hereafter amended.)

In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds the provision of this section with reference to the limit of the amount to be deposited in any one depository may be waived by the

county finance committee.

Sec. 7. Section 36.48.080, chapter 4, Laws of 1963 and RCW 36.48.080 are each amended to read as follows:

The county clerks of all the counties of the state shall deposit all funds in their custody, as clerk of the superior court of their respective counties, in one or more ~~((banks as they may elect))~~ qualified depositories, as provided in chapter 39.58 RCW, as now or hereafter amended.

Sec. 8. Section 36.48.090, chapter 4, Laws of 1963 and RCW 36.48.090 are each amended to read as follows:

Whenever any person has in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon ~~((a fund))~~ any such "clerk's trust fund" so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof.

Sec. 9. Section 1, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Public deposit" means moneys of the state or of any county, city or town, or other political subdivision of the state or any commission, committee, board or officer thereof or any court of the state deposited in any qualified public depository, including moneys held as trustee, agent, or bailee by the state, any county, city or town, or other political subdivision of the state, or any commission, committee, board or office thereof or any court of the state, when deposited in any qualified public depository;

(2) "Qualified public depository" means a state bank or trust company or national banking association located in this state which receives or holds public deposits and segregates eligible collateral for public deposits as described in RCW 39.58.050 as now or hereafter amended;

(3) "Loss" means issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities or the appointment of a receiver for a qualified public depository;

(4) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(5) "Eligible collateral" means collateral which is eligible as security for public deposits pursuant to applicable state law;

(6) The "maximum liability" of a qualified public depository means a sum equal to five percent ~~((of the average daily balance of collected funds))~~ of all public deposits held by the qualified public depository ~~((during the twelve months immediately preceding the date~~

of any computation of such liability)) as determined by the average of the balances of said public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, less any assessments made under this chapter;

(7) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(8) "Investment deposits" means bank time deposits of public funds available for investment;

(9) "Treasurer" shall mean the state treasurer, a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and the custodian of any other public funds.

Sec. 10. Section 2, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.020 are each amended to read as follows:

On and after August 11, 1969, all public deposits in qualified public depositories, including investment deposits and accrued interest thereon, shall be protected against loss, as provided in this chapter.

Sec. 11. Section 5, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.050 are each amended to read as follows:

(1) Every qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral in the form of securities enumerated in this section having a value at least equal to its maximum liability under this chapter. Such collateral may be segregated by deposit in the trust department of the depository or in such other manner as the commission approves and shall be clearly designated as security for the benefit of public depositories under this chapter. (2) ~~((Collateral))~~ Securities eligible as ~~((security))~~ collateral shall be valued at face value or market value as determined by the commission. (3) The depository shall have the right to make substitutions of ~~((eligible))~~ such collateral at any time. (4) The income from the ~~((assets))~~ securities which ~~((constitute))~~ have been segregated as collateral shall belong to the depository bank without restriction.

Each of the following enumerated classes of securities, providing there has been no default in the payment of principal or interest thereon, shall be eligible to qualify as collateral:

(a) Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(b) (i) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(ii) Revenue bonds of this state or any authority, board,

commission, committee, or similar agency thereof;

(c) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(d) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW, as now or hereafter amended;

(e) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city;

(f) In addition to the securities enumerated in subsections (a) through (e) of this section, every public depository may also segregate such bonds, securities and other obligations as are designated to be authorized security for all public deposits pursuant to RCW 35.58.510, 35.81.110, 35.82.220, 39.60.030, 39.60.040 and 54.24.120, as now or hereafter amended.

The commission may at any time or times declare any particular security as ineligible to qualify as collateral when in the commission's judgment it is deemed desirable to do so.

The commission may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a qualified public depository for state funds, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, with the expense of the investigation to be borne by the depository examined. In lieu of such investigation or report, the commission may rely upon reports made available to it by the comptroller of the currency and the director of the federal deposit insurance corporation.

Sec. 12. Section 6, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.060 are each amended to read as follows:

When the commission determines that a loss has occurred, it shall as soon as possible make payment to the proper public officers of all funds subject to such loss, pursuant to the following procedures: (1) For the purposes of determining the sums to be paid, the supervisor of banking or receiver shall, within twenty days after issuance of a restraining order or taking possession of any qualified public depository, ascertain the amount of public funds on deposit therein as disclosed by its records and the amount thereof covered by deposit insurance and certify the amounts thereof to the commission and each such public depositor; (2) within ten days after receipt of such certification, each such public depositor shall furnish to the

commission verified statements of its deposits in such depository as disclosed by its records; (3) upon receipt of such certificate and statements, the commission shall ascertain and fix the amount of such public deposits, net after deduction of any deposit insurance, and assess the same against all then qualified public depositories, as follows: First, against the depository in which the loss occurred, to the extent of the full value of collateral segregated pursuant to this chapter; second, against all other then qualified public depositories in proportion to their ~~((then))~~ maximum liability which existed at the date of loss; (4) assessments made by the commission shall be payable on the second business day following demand, and in case of the failure of any qualified public depository so to pay, the commission shall forthwith take possession of the ~~((eligible))~~ securities segregated as collateral ((segregated)) by such depository pursuant to this chapter and liquidate the same for the purpose of paying such assessment; (5) upon receipt of such assessment payments, the commission shall reimburse the public depositors of the depository in which the loss occurred to the extent of the depository's net deposit liability to them.

Sec. 13. Section 7, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.070 are each amended to read as follows:

Upon payment to any public depositor, the commission shall be subrogated to all of such depositor's right, title and interest against the depository in which the loss occurred and shall share in any distribution of its assets ratably with other depositors. Any sums received from any distribution shall be paid to the public depositors to the extent of any unpaid net deposit liability and the balance remaining shall be paid to the qualified public depositories against which assessments were made, pro rata in proportion to ~~((such))~~ the assessments actually paid by each such depository: PROVIDED, That the depository in which the loss occurred shall not share in any such distribution of the balance remaining. If the commission incurs expense in enforcing any such claim, the amount thereof shall be paid as a liquidation expense of the depository in which the loss occurred.

Sec. 14. Section 6, chapter 184, Laws of 1951 as amended by section 1, chapter 213, Laws of 1967 and RCW 41.48.060 are each amended to read as follows:

(1) There is hereby established a special fund in the state treasury to be known as the OASI contribution fund. All interest earnings presently in ~~((this fund shall be transferred by the state treasurer to the state's general fund))~~ and all interest earnings accruing to this fund in accordance with RCW ~~((43-85-060))~~ 39.58.120 shall be deposited in the state's general fund. Such fund shall consist of and there shall be deposited in such fund: (a) All

contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the fund; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution fund shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Sec. 15. Section 43.85.010, chapter 8, Laws of 1965 as amended by section 14, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.010 are each amended to read as follows:

Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the ((state finance committee)) public deposit protection commission, may, upon segregating ((security)) collateral as provided in RCW 39.58.050 as now or hereafter amended and upon compliance with all other requirements of law, become a qualified public depository.

No state funds shall be deposited in any institution other than a qualified public depository.

The record of the proceedings of the ((committee)) commission

shall be kept in the office of the ((committee)) commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state.

Sec. 16. Section 43.85.030, chapter 8, Laws of 1965 as last amended by section 15, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.030 are each amended to read as follows:

Every qualified public depository, before it shall be entitled to receive any state moneys, shall segregate eligible securities for collateral as provided in RCW 39.58.050 as now or hereafter amended ((Securities hereinafter enumerated as collateral and pledge for payment of all such moneys deposited with it and of interest on any portion thereof representing investment deposits at the rate fixed by the public deposit protection commission; if there has been no default in the payment of principal or interest thereon:

{1} Bonds, notes, or other securities constituting direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligation of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

{2} {a} Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

{b} Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

{3} Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

{4} Bonds issued by public utility districts as authorized under the provisions of Title 54, as now or hereafter amended;

{5} Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city: PROVIDED, That the state finance committee need not approve for segregation any collateral described in this subsection if in its judgment it is not desirable so to do.

{6} In addition to the foregoing, every state depository may also segregate such bonds, securities and other obligations as are designated to be authorized security for all public deposits pursuant to: RCW 35.58.510, 35.84.440, 35.82.220, 39.60.030, 39.60.040 and 54.24.420, as now or hereafter amended.

The finance committee may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a qualified public depository for state funds, and may also as

often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, the expense of the investigation to be borne by the depository examined)).

NEW SECTION. Sec. 17. There is added to chapter 7, Laws of 1965 and to chapter 35.38 RCW a new section to read as follows:

Each such bank shall segregate eligible securities as collateral in accordance with RCW 39.58.050 as now or hereafter amended.

NEW SECTION. Sec. 18. The following acts or parts of acts are each hereby repealed:

(1) Section 35.38.020, chapter 7, Laws of 1965, section 5, chapter 132, Laws of 1967, section 2, chapter 28, Laws of 1969, section 23, chapter 193, Laws of 1969 ex. sess. and RCW 35.38.020;

(2) Section 43.85.040, chapter 8, Laws of 1965, section 16, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.040;

(3) Section 43.85.060, chapter 8, Laws of 1965, section 17, chapter 193, Laws of 1969 ex. sess., section 1, chapter 72, Laws of 1971 ex. sess. and RCW 43.85.060;

(4) Section 43.85.150, chapter 8, Laws of 1965, section 2, chapter 132, Laws of 1967, section 19, chapter 193, Laws of 1969 and RCW 43.85.150; and

(5) Section 43.85.170, chapter 8, Laws of 1965, section 20, chapter 193, Laws of 1969 ex. sess. and RCW 43.85.170.

NEW SECTION. Sec. 19. This 1973 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 March 3, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 127

[Substitute House Bill No. 497]

LEGISLATIVE BUDGET COMMITTEE-- TEACHERS', PUBLIC EMPLOYEES' RETIREMENT
SYSTEMS MERGER STUDY--APPROPRIATION

AN ACT Relating to the legislative budget committee; making an appropriation; creating new sections; and declaring an emergency.

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

NEW SECTION. Section 1. FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation: Being a reallocation to the Legislative Budget Committee of a portion of the \$50,000 heretofore appropriated by section 46, page 509, chapter 155, Laws of 1972 ex. sess. for a study, in liaison with the Public Pension Commission, of the procedures and programs by which the Teachers' Retirement System and the Public Employees' Retirement System may be merged while protecting the vested rights of the members of each system: PROVIDED, That, in addition to the reallocation provided for in this act, up to \$5,500 of the moneys heretofore appropriated to the Legislative Budget Committee by section 2, page 1275, chapter 275, Laws of 1971 ex. sess. may be expended to pay the costs of the study enumerated in this section.....\$ 45,449

NEW SECTION. Sec. 2. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 28, 1973.
 Passed the Senate March 1, 1973.
 Approved by the Governor March 19, 1973.
 Filed in Office of Secretary of State March 19, 1973.

 CHAPTER 128
 [House Bill No. 580]
 SMALL CLAIMS COURT--JURISDICTION--
 INCREASED

AN ACT Relating to small claims court; amending section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.010; and amending section 11, chapter 187, Laws of 1919 and RCW 12.40.110.

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

Section 1. Section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be

created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ((two)) three hundred dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed ((one)) two hundred dollars.

Sec. 2. Section 11, chapter 187, Laws of 1919 and RCW 12.40.110 are each amended to read as follows:

The judgment of said court shall be conclusive. If the defendant fails to pay the judgment according to the terms and conditions thereof within twenty days, the justice before whom such hearing was had ((7 may, on application of the plaintiff,)) shall certify such judgment in substantially the following form:

Washington.

In the Justice's Court of _____ County,
before _____ Justice of the Peace for _____
Precinct.

_____ Plaintiff,

vs.

_____ Defendant.

In the Small Claims Department.

This is to certify that in a certain action before me, the undersigned, had on this the _____ day of _____ 19____, wherein _____ was plaintiff and _____ defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against said defendant in the sum of _____ Dollars; which judgment has not been paid.

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

Justice of the Peace sitting in the
Small Claims Department.

The justice of the peace of said justice's court shall forthwith enter such judgment transcript on the judgment docket of such justice's court; and thereafter garnishment, execution and other process on execution provided by law may issue thereon, as obtains in other cases of judgments of justice's courts, and transcripts of such

judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

Passed the House March 3, 1973.

Passed the Senate February 26, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 129

[House Bill No. 645]

COMMUNITY COLLEGES--MULTIPLE
REGISTRATION

AN ACT Relating to community colleges; and adding a new section to chapter 28B.50 RCW.

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

NEW SECTION. Section 1. There is added to chapter 28B.50 RCW a new section to read as follows:

In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community college, provided that such student shall pay tuition and fees as if he were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW 28B.15.500.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 19, 1973.

CHAPTER 130

[House Bill No. 79]

SAVINGS AND LOAN ASSOCIATIONS--
SUPERVISION AUTHORITY

AN ACT Relating to savings and loan associations; amending section 95, chapter 235, Laws of 1945 and RCW 33.04.020; amending section 17, chapter 235, Laws of 1945 and RCW 33.16.040; amending section 25, chapter 235, Laws of 1945 and RCW 33.16.110; amending section 27, chapter 235, Laws of 1945 and RCW 33.16.120; amending section 69, chapter 235, Laws of 1945 as last amended by section 4, chapter 280, Laws of 1959 and RCW 33.24.120; amending section 7, chapter 49, Laws of 1967 and RCW 33.24.230; amending section 13, chapter 107, Laws of 1969 and RCW 33.24.270; amending section 14, chapter 107, Laws

of 1969 and RCW 33.24.280; amending section 106, chapter 235, Laws of 1945 and RCW 33.40.050; adding a new section to chapter 33.04 RCW; adding new sections to chapter 235, Laws of 1945 and to chapter 33.24 RCW; adding new sections to chapter 33.48 RCW; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

As used in this 1973 amendatory act the following words, unless differently defined shall have the meanings and references as follows:

(1) "Subsidiary" of a person or company for purposes of this 1973 amendatory act, means any person or company which is controlled by such person or company.

(2) "Control" means directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owning, controlling, or holding with the power to vote twenty-five percent or more of the outstanding guaranty stock of a savings and loan association.

(3) "Acquiring party" means the person, company, or subsidiary acquiring control of a savings and loan association.

NEW SECTION. Sec. 2. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

It is unlawful for any acquiring party to acquire control of a savings and loan association until thirty days after the date of filing with the supervisor an application containing substantially all of the following information and any additional information that the supervisor may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

(1) The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made;

(2) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition;

(3) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made;

(4) The source and amount of the funds or other consideration used or to be used in making the acquisition and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties, however, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the

public;

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association to sell its assets, to merge it with any company, or to make any other major changes in its business or corporate structure or management.

(6) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, who makes solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer or arrangements for compensation;

(7) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition: PROVIDED, That when an unincorporated company is required to file the statements under subsections (1), (2) and (6) of this section, the supervisor may require that the information be given with respect to each partner of a partnership or limited partnership, by each member of a syndicate or group, and by each person who controls a partner or member. When an incorporated company is required to file the statements under subsections (1), (2) and (6) of this section, the supervisor may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation: PROVIDED FURTHER, That if any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. Sec. 77a), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 77b), as amended, or in an application filed with the federal home loan bank board requiring similar disclosure, such registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

NEW SECTION. Sec. 3. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

The supervisor may within thirty days after the date of filing of the application referred to in section 2 of this 1973 amendatory act, file an action or proceeding in the superior court to prevent the pending acquisition of control if he finds any of the following:

(1) The acquisition would substantially lessen competition or would in any manner be in restraint of trade or would result in a monopoly, or would be in furtherance of any combination or conspiracy

to monopolize or to attempt to monopolize the savings and loan business in any part of the state of Washington, unless he also finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served;

(2) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings and loan association being acquired or might prejudice the interests of the savings account holders, borrowers, or stockholders of the savings and loan association or is not in the public interest;

(3) The plan or proposal under which the acquiring party intends to liquidate the savings and loan association, to sell its assets, or to merge it with any person or company, or to make any other major change in its business or corporate structure or management, is not fair and reasonable to the association's savings account holders, borrowers, or stockholders or is not in the public interest; or

(4) The competence, experience and integrity of any acquiring party who would control the operation of the savings and loan association indicates that approval would not be in the interest of the association's savings account holders, borrowers, or stockholders or in the public interest.

NEW SECTION. Sec. 4. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

Any person who wilfully violates any provision of section 2 of this 1973 amendatory act, or any regulation or order thereunder, is guilty of a misdemeanor and shall upon conviction be fined not more than one thousand dollars for each day during which the violation continues.

NEW SECTION. Sec. 5. There is added to chapter 33.48 RCW a new section to read as follows:

No association shall sell, offer for sale, negotiate for the sale of, take subscriptions for, or issue any of its stock until the association applies for and secures from the supervisor a permit authorizing it to sell guaranty stock.

NEW SECTION. Sec. 6. There is added to chapter 33.48 RCW a new section to read as follows:

No subscriptions or funds from proposed stockholders of any proposed association, prior to its incorporation and prior to a decision by the supervisor on its application for approval of its articles of incorporation, may be solicited or taken until a verified application for an organizing permit has been filed and a permit has been issued by the supervisor authorizing such subscription or collection of funds and then, only in accordance with the terms of

such permit.

NEW SECTION. Sec. 7. There is added to chapter 33.48 RCW a new section to read as follows:

The application for an organizing permit under section 6 of this 1973 amendatory act shall be in writing, verified as provided by law for the verification of pleadings and shall be filed in the office of the supervisor. Such application shall be signed by the proposed incorporators and shall include the following:

- (1) The names and addresses of its proposed directors, officers and incorporators, to the extent known;
- (2) The proposed location of its office;
- (3) A copy of any contract proposed to be used for the solicitation of stock subscriptions and funds for its preincorporation expenses;
- (4) A copy of any advertisement, circular, or other written matter proposed to be used for soliciting stock subscriptions and funds for its preincorporation expenses;
- (5) A statement of the total funds proposed to be solicited and collected prior to incorporation and an itemized estimate of the preincorporation expenses proposed to be paid;
- (6) A list of the names and addresses and amounts of each of the known proposed stockholders and contributors to the fund for preincorporation expenses; and
- (7) Such additional information as the supervisor may require.

NEW SECTION. Sec. 8. There is added to chapter 33.48 RCW a new section to read as follows:

The supervisor may impose conditions in his organizing permit issued under section 6 of this 1973 amendatory act concerning the deposit in escrow of funds collected pursuant to said permit, the manner of expenditure of such funds and such other conditions as he deems reasonable and necessary or advisable for the protection of the public and the subscribers to such stock or funds for preincorporation expenses.

NEW SECTION. Sec. 9. There is added to chapter 33.48 RCW a new section to read as follows:

No issued and outstanding stock of an association shall be sold or offered for sale to the public, nor shall subscriptions be solicited or taken for such sales until the association or the selling stockholders have applied for and secured from the supervisor a permit authorizing the sale of the guaranty stock.

This section shall not apply to an offering involving less than ten percent of the issued and outstanding guaranty stock of an association and less than five hundred thousand dollars nor to an offering made under a registration statement filed under the Securities Act of 1933 (48 Stat. 74; 15 U.S.C. Sec. 77a).

NEW SECTION. Sec. 10. There is added to chapter 33.48 RCW a new section to read as follows:

An application for a permit to sell guaranty stock shall be in writing, verified as provided by law for the verification of pleadings and shall be filed in the office of the supervisor by the association or the selling stockholders.

The application shall include the following:

(1) Regarding the association:

- (a) The names and addresses of its officers;
- (b) The location of its office;
- (c) An itemized account of its financial condition within ninety days of the filing date; and
- (d) A copy of all minutes of any proceedings of its directors, shareholders, or stockholders relating to or affecting the issue of such stock;

(2) Regarding the offering:

- (a) The names and addresses of the selling stockholders and of the officers of any selling corporation and the partners of any selling partnership;
- (b) A copy of any contract concerning the sale of the stock;
- (c) A copy of a prospectus or advertisement or other description of the stock prepared for distribution or publication in accordance with requirements prescribed by the supervisor;
- (d) A brief description of the method by which the stock is to be offered for sale including the offering price and the underwriting commissions and expense, if any; and

(3) Such additional information as the supervisor may require.

NEW SECTION. Sec. 11. There is added to chapter 33.48 RCW a new section to read as follows:

Upon the filing of the application for a permit to sell guaranty stock, the supervisor shall examine the application and other papers and documents filed therewith and he may make a detailed examination, audit, and investigation of the association and its affairs. If the supervisor finds that the proposed plan for the issue and sale of such stock is fair, just and equitable, the supervisor shall issue to the applicant a permit authorizing it to issue and dispose of its stock in such amounts and for such considerations and upon such terms and conditions as the supervisor may provide in the permit. If the supervisor does not so find he shall deny the application and notify the applicant in writing of his decision.

NEW SECTION. Sec. 12. There is added to chapter 33.48 RCW a new section to read as follows:

Every permit to sell guaranty stock shall recite in bold face type that the issuance thereof is permissive only and does not

constitute a recommendation or endorsement of the stock permitted to be issued.

NEW SECTION. Sec. 13. There is added to chapter 33.48 RCW a new section to read as follows:

With respect to sales of guaranty stock by an association, the supervisor may impose conditions requiring the impoundment of the proceeds from the sale of guaranty stock, limiting the expense in connection with the sale of such stock, and other conditions as he deems reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of such stock in the manner and for the purposes provided in the permit.

NEW SECTION. Sec. 14. There is added to chapter 33.48 RCW a new section to read as follows:

The supervisor may amend, alter, or revoke any permit issued to him or temporarily suspend the rights of the association under such permit, if there is a violation of the terms and conditions of the permit or if he determines that the issue and sale is no longer fair, just and equitable.

NEW SECTION. Sec. 15. There is added to chapter 33.48 RCW a new section to read as follows:

An association may purchase stock issued by it in an amount not to exceed the amount of earned surplus or undivided profits available for dividends on its stock if either: the stock so purchased is included for federal estate tax purposes in determining the gross estate of a decedent, and the amount paid for such purchase is entitled to be treated under section 303 of the Internal Revenue Code of 1954 (68A Stat. 3; 26 U.S.C. Sec. 1), or other applicable federal statute or the corresponding provision of any future federal revenue law, as a distribution in full payment in exchange for the stock so purchased, or such purchase is with the prior consent of the supervisor. Stock so purchased until sold shall be carried as treasury stock. Upon the purchase of any stock issued by the association, an amount equal to the purchase price shall be set aside from earned surplus or undivided profits available for dividends to a specific reserve account established for this purpose. Upon sale of any of such stock, the amount relating thereto in the specific reserve account shall be returned to the surplus or undivided profits account (as the case may be) and shall be available for dividends. Reacquired stock shall not be resold at less than its reacquisition cost, without the specific approval of the supervisor, and shall not be resold or reissued except in accordance with sections 9 through 14 of this 1973 amendatory act.

NEW SECTION. Sec. 16. There is added to chapter 33.48 RCW a new section to read as follows:

With the prior consent of the supervisor the guaranty stock of

an association may be reduced by resolution of the board of directors approved by the vote or written consent of the holders of a majority in amount of the outstanding stock of such association to such amount as the supervisor approves.

NEW SECTION. Sec. 17. There is added to chapter 33.48 RCW a new section to read as follows:

Any surplus resulting from reduction of stock shall not be available for dividends or other distribution to stockholders or shareholders except upon liquidation.

NEW SECTION. Sec. 18. There is added to chapter 33.48 RCW a new section to read as follows:

An association may, by action of its board of directors and with the prior approval of the supervisor, apply any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock to the reduction or writing off of any deficit arising from losses or diminution in value of its assets, or may transfer to or designate as a part of its federal insurance reserve account or any other reserve account irrevocably established for the sole purpose of absorbing losses, any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock.

NEW SECTION. Sec. 19. There is added to chapter 33.48 RCW a new section to read as follows:

Sections 5 through 18 of this 1973 amendatory act shall not apply to foreign associations doing business in this state pursuant to the provisions of chapter 33.32 RCW.

NEW SECTION. Sec. 20. There is added to chapter 33.04 RCW a new section to read as follows:

The supervisor shall adopt uniform rules and regulations in accordance with the administrative procedure act, chapter 34.04 RCW, to govern examinations and reports of savings and loan associations and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each savings and loan association at its principal place of business, and they shall be effective thirty days after the mailing thereof. The person doing the mailing shall make and file his affidavit thereof in the office of the supervisor.

Sec. 21. Section 17, chapter 235, Laws of 1945 and RCW 33.16.040 are each amended to read as follows:

If the supervisor shall notify the board of directors of any association in writing, that he has information that any director, officer, or employee of such association is dishonest, reckless, or incompetent or is failing to perform any duty of his office, the board shall meet and consider such matter forthwith and the

supervisor shall have notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, such director, officer, or employee shall be removed immediately. If the board does not remove the director, officer, or employee against whom the objections have been filed, or if the board fails to meet, consider or act upon the objections within twenty days after receiving the same, the supervisor may forthwith or within twenty days thereafter, remove such individual by complying with the administrative procedure act, Title 34 RCW. If the supervisor feels that the public interest or safety of the association, requires the immediate removal of such individual, he may petition the superior court for a temporary injunction removing such individual pending the administrative procedure hearing.

Sec. 22. Section 95, chapter 235, Laws of 1945 and RCW 33.04.020 are each amended to read as follows:

The supervisor (1) shall be charged with the administration and enforcement of this title and shall have and exercise all powers necessary or convenient thereunto;

(2) shall issue to each association doing business hereunder, when it shall have paid its annual license fee and be duly qualified otherwise, a certificate of authority authorizing it to transact business;

(3) shall require of each association ~~((a semiannual))~~ an annual statement and such other reports and statements as he may deem desirable, on forms to be furnished by him;

(4) shall require each association to conduct its business in compliance with the provisions of this title;

(5) shall visit and examine into the affairs of every association, ~~((without previous notice to it,))~~ at least once in each ~~((calendar year))~~ biennium; may appraise and revalue its investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such association for such purposes;

(6) may accept or exchange any information or reports with the examining division of the federal savings and loan insurance corporation or other like agency which may insure the accounts in an association or to which an association may belong;

(7) shall have power to administer oaths to and to examine any person under oath concerning the affairs of any association and, in connection therewith, to issue subpoenas and require the attendance and testimony of any person or persons at any place within this state, and to require witnesses to produce any books, papers, documents, or other things under their control material to such examination; and

(8) shall have any and all other powers incidental to the

purposes of such examination and administration.

Sec. 23. Section 27, chapter 235, Laws of 1945 and RCW 33.16.120 are each amended to read as follows:

The board of directors shall cause to be prepared, from the books of the association, a statement of assets and of liabilities, as of (~~June 30th and~~) December 31st in each year, which statement shall be published on or before the 15th day of January (~~and July~~) of each year, in a newspaper of general circulation in the county where the principal office of the association is located.

The board shall also cause to be prepared, certified, and filed with the supervisor, upon blanks to be furnished by him, such reports and statements as he, from time to time, may require.

Sec. 24. Section 7, chapter 49, Laws of 1967 and RCW 33.24.230 are each amended to read as follows:

An association may invest its funds in loans upon the security of mobile dwellings used as semi-permanent or permanent housing. Loans made pursuant to this section shall not exceed (~~five~~) ten percent of the association's assets, except with the written approval of the supervisor.

Sec. 25. Section 25, chapter 235, Laws of 1945 and RCW 33.16.110 are each amended to read as follows:

The board of directors, not later than at the regular meeting in January of each year, shall adopt a budget of expenses for the ensuing calendar year, which budget may be revised at any regular monthly meeting by a two-thirds vote of the entire board of directors.

The officers shall maintain the expenses of the association within the budget so adopted.

The secretary shall transmit forthwith to the supervisor a copy of the budget, and of each amendment thereof, upon adoption.

(~~No association, in the course of any fiscal year, shall pay or become liable to pay, either directly or indirectly, for expenses of management and operation, more than two and one-half percent of the first one million dollars of its average assets and two percent in excess thereof.~~)

Sec. 26. Section 69, chapter 235, Laws of 1945 as last amended by section 4, chapter 280, Laws of 1959 and RCW 33.24.120 are each amended to read as follows:

For every mortgage loan, the borrower shall execute a note and a mortgage which shall constitute a first lien upon a fee estate in improved real property. For such loan, the appraised value shall be the value of the land and the permanent improvements thereon. Appraisals for loan purposes shall be made by two appraisers appointed by the board of directors, either or both of whom, if qualified, may be directors of the association: PROVIDED, That the

directors of an association may by resolution authorize the reduction in the number of appraisers on every type loan to one qualified appraiser. In cases of loans insured or guaranteed in whole or in part by a government agency, ((an appraisal by an authorized appraiser appointed by the board shall be required in addition to)) the appraisal made by the government agency shall be sufficient.

Every appraisal shall be made in writing, shall state that each appraiser has personally examined said property, has no personal interest therein, the conservative value of the property as so determined, and shall be signed by the appraiser((s)). Such appraisal shall be filed with the association, before any mortgage loan shall be made.

Every mortgage loan, before making, shall be approved by the directors of the association or by a loan committee ((of the directors)) appointed by the directors for ((the)) that purpose.

NEW SECTION. Sec. 27. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

An association may also invest not to exceed five percent of its assets in secured or unsecured loans for any nonbusiness family purposes: PROVIDED, That the principal amount of any such loan shall not exceed five thousand dollars and shall be repayable in monthly, quarterly, or semiannual installments commencing not more than sixty days after the date of such loan and extending over a payment period of not to exceed seven years.

NEW SECTION. Sec. 28. There is added to chapter 235, Laws of 1945 and to chapter 33.24 RCW a new section to read as follows:

The word "mortgage" as used in this title includes deed of trust.

Sec. 29. Section 106, chapter 235, Laws of 1945 and RCW 33.40.050 are each amended to read as follows:

Whenever the supervisor shall determine to liquidate the affairs of an association, he shall cause the attorney general to present to the superior court of the county in which such association has its principal place of business a written petition setting forth the date of his taking possession, the reasons therefor, and other material facts concerning the affairs of the association and, if the court shall determine that said association should be liquidated, it shall appoint the supervisor, and no other person, as the liquidator of such association and fix and require a bond to be given by the liquidator conditioned for the faithful performance of his duties as such liquidator, but if the association has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, the court upon the request of the supervisor may tender to the federal savings and loan insurance corporation the appointment as liquidator.

Upon the filing with and approval by the court of such bond, the supervisor shall enter upon his duties as liquidator of the affairs of the association, and, under the direction of the court, shall administer and liquidate the assets thereof and apply the same to the payment of the expenses of liquidation and the debts of the association, and distribute the remainder to the savings members, first paying juvenile and school savings accounts in full, and distributing the then remainder to the remaining savings accounts proportionately.

If the court tenders the appointment as liquidator to the federal savings and loan insurance corporation, and if the insurance corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a savings and loan association, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of Title IV of the National Housing Act, as now or hereafter amended. In any liquidation proceeding in which the insurance corporation is the liquidator, it may proceed to liquidate without being subject to the control of the court and without bond.

Sec. 30. Section 13, chapter 107, Laws of 1969 and RCW 33.24.270 are each amended to read as follows:

A savings and loan association may purchase and hold for its own investment accounts stock in small business investment companies licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, as amended and now in force, in an amount not to exceed one percent of its ((paid-in capital surplus)) assets.

Sec. 31. Section 14, chapter 107, Laws of 1969 and RCW 33.24.280 are each amended to read as follows:

An association may invest in ((equity securities)) capital stock, capital debentures and bonds issued by any corporation organized under the laws of the United States or any state, subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves, surplus, undivided profits and guaranty stock, if any, of the association is at least equal to five percent of the assets of the association and that immediately upon the making of any investment ((in any equity security)) under authority of this paragraph, the aggregate amount of all ((equity securities)) investments then held by the association under authority of this paragraph does not exceed fifty percent of its guaranty stock, reserves, surplus, and undivided profits.

NEW SECTION. Sec. 32. If any provision of this 1973 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. 33. This 1973 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 March 3, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 131

[Second Substitute House Bill No. 176]

PUBLIC UNIFORMED EMPLOYEES--LABOR NEGOTIATIONS--
ARBITRATION

AN ACT Relating to public employees; amending section 3, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.030; amending section 11, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.420; and adding new sections to chapter 41.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 41.56 RCW a new section to read as follows:

The intent and purpose of this 1973 amendatory act is to recognize that there exists a public policy in the state of Washington against strikes by uniformed personnel as a means of settling their labor disputes; that the uninterrupted and dedicated service of these classes of employees is vital to the welfare and public safety of the state of Washington; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate alternative means of settling disputes.

Sec. 2. Section 3, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.030 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary

necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Department" means the department of labor and industries.

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 41.56 RCW a new section to read as follows:

Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the department shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the department. The panel shall begin hearings on the matters in dispute within five days of the formation of the

fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the department.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in section 1 of this 1973 amendatory act and as additional standards of guidelines to aid it in developing its recommendations, it shall take into consideration those factors set forth in section 5 of this 1973 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 41.56 RCW a new section to read as follows:

If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the director, who shall then name one from each list as members to the panel, all within two days. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the department, and the department shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the department; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall

be deemed an agency of the director and a state agency for the purposes of this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious.

NEW SECTION. Sec. 5. There is added to chapter 41.56 RCW a new section to read as follows:

In making its determination, the panel shall be mindful of the legislative purpose enumerated in section 1 of this 1973 amendatory act and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer.

(b) Stipulations of the parties.

(c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved

in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living.

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings.

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment.

(g) Findings of fact made by the fact-finder pursuant to section 3 of this 1973 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 41.56 RCW a new section to read as follows:

During the pendency of the proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under this 1973 amendatory act.

NEW SECTION. Sec. 7. There is added to chapter 41.56 RCW a new section to read as follows:

If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in sections 3 and 4 of this 1973 amendatory act, the parties, or the department on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the department in the superior court for the county where the dispute arose.

NEW SECTION. Sec. 8. There is added to chapter 41.56 RCW a new section to read as follows:

The right of uniformed employees to engage in any strike, work slowdown or stoppage is not granted. Where an organization, recognized as the bargaining representative of uniformed employees subject to this chapter, as amended by this 1973 amendatory act, wilfully disobeys a lawful order of enforcement by a superior court pursuant to sections 7 and 8 of this 1973 amendatory act, or wilfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where an employer wilfully disobeys a lawful order of enforcement by a superior court pursuant to section 7

of this 1973 amendatory act or wilfully offers resistance to such order, the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer.

Sec. 9. Section 11, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.420 are each amended to read as follows:

The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28.75.130 (28B.16.130), 41.06.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of any regular session of the legislature, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee.

NEW SECTION. Sec. 10. There is added to chapter 41.56 RCW a new section to read as follows:

The provisions of this 1973 amendatory act relating to uniformed personnel are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. If any provision of this 1973 amendatory act conflicts with any other statute, ordinance, rule or regulation of any public employer as it relates to uniformed employees, the provisions of this 1973 amendatory act shall control.

NEW SECTION. Sec. 11. There is added to chapter 41.56 RCW a new section to read as follows:

If any provisions of this 1973 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 February 15, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 132

[House Bill No. 729]

POLLUTION CONTROL--MUNICIPAL FACILITIES--
REVENUE BONDS AUTHORIZED

AN ACT Relating to pollution control; adding a new chapter to Title 70 RCW; repealing section 2, chapter 54, Laws of 1972 ex. sess. and RCW 43.21A.065; and declaring an emergency.

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

NEW SECTION. Section 1. There is added to Title 70 RCW a new chapter to read as set forth in sections 2 through 14 of this 1973 act.

NEW SECTION. Sec. 2. The legislature finds:

(1) That environmental damage seriously endangers the public health and welfare;

(2) That such environmental damage results from air, water, and other resources pollution and from solid waste disposal, noise and other environmental problems;

(3) That to abate or control such environmental damage antipollution devices, equipment, and facilities must be acquired, constructed and installed;

(4) That the method of financing provided in this chapter is in the public interest and serves a public purpose in protecting and promoting the health and welfare of the citizens of the cities, towns, counties, and port districts and of this state by abating or controlling and preventing environmental damage.

This chapter shall be liberally construed to accomplish the intentions expressed in this section.

NEW SECTION. Sec. 3. As used in this chapter, unless the context otherwise requires:

(1) "Municipality" shall mean any city, town, county, or port district in the state;

(2) "Facility" or "facilities" shall mean any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or any interest therein, and all real and personal properties deemed necessary in connection therewith whether or not now in existence, which is used or to be used by any person, corporation or municipality in furtherance of the purpose of abating, controlling or preventing pollution;

(3) "Pollution" shall mean any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution;

(4) "Governing body" shall mean the body or bodies in which the legislative powers of the municipality are vested;

(5) "Mortgage" shall mean a mortgage or a mortgage and deed of trust or other security device; and

(6) "Department" shall mean the state department of ecology.

NEW SECTION. Sec. 4. In addition to any other powers which it may now have, each municipality shall have the following powers:

(1) To acquire, whether by construction, purchase, devise, gift or lease, or any one or more of such methods, one or more facilities which shall be located within, or partially within the municipality;

(2) To lease, lease with option to purchase, sell or sell by installment sale, any or all of the facilities upon such terms and conditions as the governing body may deem advisable but which shall at least fully reimburse the municipality for all debt service on any bonds issued to finance the facilities and for all costs incurred by the municipality in financing and operating the facilities and as shall not conflict with the provisions of this chapter;

(3) To issue revenue bonds for the purpose of defraying the cost of acquiring or improving any facility or facilities or refunding any bonds issued for such purpose and to secure the payment of such bonds as provided in this chapter. Revenue bonds may be issued in one or more series or issues where deemed advisable, and each such series or issue may have the same or different maturity dates, interest rates, priorities on revenues available for payment of such bonds and priorities on security available for assuring payment thereof, and such other differing terms and conditions as are deemed necessary and are not in conflict with the provisions of this chapter.

NEW SECTION. Sec. 5. (1) All bonds issued by a municipality under the authority of this chapter shall be secured solely by revenues derived from the lease or sale of the facility. Bonds and interest coupons issued under the authority of this chapter shall not constitute nor give rise to a pecuniary liability of the municipality or a charge against its general credit or taxing powers. Such limitation shall be plainly stated upon the face of each of such bonds.

(2) The bonds referred to in subsection (1) of this section, may (a) be executed and delivered at any time and from time to time, (b) be in such form and denominations, (c) be of such tenor, (d) be in registered or bearer form either as to principal or interest or both, and may provide for conversion between registered and coupon bonds of varying denominations, (e) be payable in such installments and at such time or times not exceeding forty years from their date, (f) be payable at such place or places, (g) bear interest at such rate or rates as may be determined by the governing body, payable at such place or places within or without this state and evidenced in

such manner, (h) be redeemable prior to maturity, with or without premium, and (i) contain such provisions not inconsistent herewith, as shall be deemed for the best interest of the municipality and provided for in the proceedings of the governing body whereunder the bonds shall be authorized to be issued.

(3) Any bonds issued under the authority of this chapter, may be sold at public or private sale in such manner and at such time or times as may be determined by the governing body to be most advantageous. The municipality may pay all expenses, premiums and commissions which the governing body may deem necessary or advantageous in connection with the authorization, sale and issuance thereof from the proceeds of the sale of said bonds or from the revenues of the facilities.

(4) All bonds issued under the authority of this chapter, and all interest coupons applicable thereto shall be investment securities within the meaning of the uniform commercial code and shall be deemed to be issued by a political subdivision of the state.

NEW SECTION. Sec. 6. (1) The principal of and interest on any bonds issued under the authority of this chapter (a) shall be secured by a pledge of the revenues derived from the sale or lease of the facilities out of which such bonds shall be made payable, (b) may be secured by a mortgage covering all or any part of the facilities, (c) may be secured by a pledge or assignment of the lease of such facilities, or (d) may be secured by a trust agreement or such other security device as may be deemed most advantageous by the governing body.

(2) The proceedings under which the bonds are authorized to be issued under the provisions of this chapter, and any mortgage given to secure the same may contain any agreements and provisions customarily contained in instruments securing bonds, including, without limiting the generality of the foregoing, provisions respecting (a) the fixing and collection of rents for any facilities covered by such proceedings or mortgage, (b) the terms to be incorporated in the lease of such facilities, (c) the maintenance and insurance of such facilities, (d) the creation and maintenance of special funds from the revenues of such facilities, and (e) the rights and remedies available in the event of a default to the bondholders or to the trustee under a mortgage or trust agreement, all as the governing body shall deem advisable and as shall not be in conflict with the provisions of this chapter: PROVIDED, That in making any such agreements or provisions a municipality shall not have the power to obligate itself except with respect to the facilities and the application of the revenues therefrom, and shall not have the power to incur a pecuniary liability or a charge upon its general credit or against its taxing powers.

(3) The proceedings authorizing any bonds under the provisions of this chapter and any mortgage securing such bonds may provide that, in the event of a default in the payment of the principal of or the interest on such bonds or in the performance of any agreement contained in such proceedings or mortgage, such payment and performance may be enforced by mandamus or by the appointment of a receiver in equity with power to charge and collect rents and to apply the revenues from the facilities in accordance with such proceedings or the provisions of such mortgage.

(4) Any mortgage made under the provisions of this chapter, to secure bonds issued thereunder, may also provide that, in the event of a default in the payment thereof or the violation of any agreement contained in the mortgage, the mortgage may be foreclosed and the mortgaged property sold under proceedings in equity or in any other manner now or hereafter permitted by law. Such mortgage may also provide that any trustee under such mortgage or the holder of any of the bonds secured thereby may become the purchaser at any foreclosure sale if the highest bidder therefor. No breach of any such agreement shall impose any pecuniary liability upon a municipality or any charge upon their general credit or against their taxing powers.

(5) The proceedings authorizing the issuance of bonds hereunder may provide for the appointment of a trustee or trustees for the protection of the holders of the bonds, whether or not a mortgage is entered into as security for such bonds. Any such trustee may be a bank with trust powers or a trust company and shall be located in the United States, within or without the state of Washington, shall have the immunities, powers and duties provided in said proceedings, and may, to the extent permitted by such proceedings, hold and invest funds deposited with it in direct obligations of the United States, obligations guaranteed by the United States or certificates of deposit of a bank (including the trustee) which are continuously secured by such obligations of or guaranteed by the United States. Any bank acting as such trustee may, to the extent permitted by such proceedings, buy bonds issued hereunder to the same extent as if it were not such trustee. Said proceedings may provide for one or more co-trustees, and any co-trustee may be any competent individual over the age of twenty-one years or a bank having trust powers or trust company within or without the state. The proceedings authorizing the bonds may provide that some or all of the proceeds of the sale of the bonds, the revenues of any facilities, the proceeds of the sale of any part of a facility, of any insurance policy or of any condemnation award be deposited with the trustee or a co-trustee and applied as provided in said proceedings.

NEW SECTION. Sec. 7. Prior to the issuance of the bonds

authorized by this chapter, the municipality may lease the facilities to a lessee or lessees under an agreement providing for payment to the municipality of such rentals as will be sufficient (a) to pay the principal of and interest on the bonds issued to finance the facilities, (b) to pay the taxes on the facilities, (c) to build up and maintain any reserves deemed by the governing body to be advisable in connection therewith, and (d) unless the agreement of lease obligates the lessees to pay for the maintenance and insurance of the facilities, to pay the costs of maintaining the facilities in good repair and keeping the same properly insured. Subject to the limitations of this chapter, the lease or extensions or modifications thereof may contain such other terms and conditions as may be mutually acceptable to the parties, and notwithstanding any other provisions of law relating to the sale of property owned by municipalities, such lease may contain an option for the lessees to purchase the facilities on such terms and conditions with or without consideration as may be mutually acceptable to the parties.

NEW SECTION. Sec. 8. Any bonds issued under the provisions of this chapter and at any time outstanding may at any time and from time to time be refunded by a municipality by the issuance of its refunding bonds in such amount as the governing body may deem necessary but not exceeding an amount sufficient to refund the principal of the bonds to be so refunded, together with any unpaid interest thereon and any premiums and commissions necessary to be paid in connection therewith: PROVIDED, That an issue of refunding bonds may be combined with an issue of additional revenue bonds on any facilities. Any such refunding may be effected whether the bonds to be refunded shall have then matured or shall thereafter mature, either by sale of the refunding bonds and the application of the proceeds thereof for the payment of the bonds to be refunded thereby, or by exchange of the refunding bonds for the bonds to be refunded thereby: PROVIDED FURTHER, That the holders of any bonds to be so refunded shall not be compelled without their consent to surrender their bonds for payment or exchange except on the terms expressed on the face thereof. Any refunding bonds issued under the authority of this chapter shall be subject to the provisions contained in section 5 of this 1973 act and may be secured in accordance with the provisions of section 6 of this 1973 act.

NEW SECTION. Sec. 9. The proceeds from the sale of any bonds issued under authority of this chapter shall be applied only for the purpose for which the bonds were issued: PROVIDED, That any accrued interest and premium received in any such sale shall be applied to the payment of the principal of or the interest on the bonds sold: AND PROVIDED FURTHER, That if for any reason any portion of such proceeds shall not be needed for the purpose for which the bonds were

issued, then such unneeded portion of said proceeds shall be applied to the payment of the principal of or the interest on said bonds. The cost of acquiring or improving any facilities shall be deemed to include the following: The actual cost of acquiring or improving real estate for any facilities; the actual cost of construction of all or any part of the facilities which may be constructed, including architects' and engineers' fees, all expenses in connection with the authorization, sale and issuance of the bonds to finance such acquisition or improvements; and the interest on such bonds for a reasonable time prior to construction, during construction, and for a time not exceeding six months after completion of construction.

NEW SECTION. Sec. 10. The facilities shall be constructed, reconstructed, and improved and shall be leased, sold or otherwise disposed of in the manner determined by the governing body in its sole discretion and any requirement of competitive bidding, lease performance bonds or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of a municipality is not applicable to any action taken under authority of this chapter.

NEW SECTION. Sec. 11. Upon request by a municipality or by a user of the facilities the department of ecology may in relation to chapter 54, Laws of 1972 ex. sess. and this 1973 act issue its certificate stating that the facilities (1) as designed are in furtherance of the purpose of abating, controlling or preventing pollution, and/or (2) as designed or as operated meet state and local requirements for the control of pollution. This section shall not be construed as modifying the provisions of RCW 82.34.030; chapter 70.94 RCW; or chapter 90.48 RCW.

NEW SECTION. Sec. 12. Nothing in this chapter shall be construed as a restriction or limitation upon any powers which a municipality might otherwise have under any laws of this state, but shall be construed as cumulative.

NEW SECTION. Sec. 13. If any provision of this 1973 act or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of this 1973 act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 14. All acquisitions by port districts pursuant to RCW 53.08.040 may, at the option of a port commission, be deemed to be made under this 1973 act, or under both: PROVIDED, That nothing contained in this 1973 act shall impair rights or obligations under contracts entered into before the effective date of this 1973 act.

NEW SECTION. Sec. 15. Section 2, chapter 54, Laws of 1972

ex. sess. and RCW 43.21A.065 are each hereby repealed.

NEW SECTION. Sec. 16. This 1973 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 19, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 19, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 133

[Engrossed Senate Bill No. 2213]

REGISTERED NURSES--REGULATION

AN ACT Regulating the practice of nursing; amending sections 1 and 2, chapter 202, Laws of 1949 and RCW 18.88.010 and 18.88.020; amending section 4, chapter 202, Laws of 1949 as amended by section 1, chapter 288, Laws of 1961 and RCW 18.88.030; amending section 5, chapter 202, Laws of 1949 and RCW 18.88.050; amending section 6, chapter 202, Laws of 1949 as amended by section 3, chapter 288, Laws of 1961 and RCW 18.88.060; amending section 7, chapter 202, Laws of 1949 and RCW 18.88.070; amending section 8, chapter 202, Laws of 1949 as amended by section 4, chapter 288, Laws of 1961 and RCW 18.88.080; amending section 9, chapter 202, Laws of 1949 as amended by section 5, chapter 288, Laws of 1961 and RCW 18.88.090; amending section 10, chapter 202, Laws of 1949 as amended by section 6, chapter 288, Laws of 1961 and RCW 18.88.100; amending sections 11 and 12, chapter 202, Laws of 1949 and RCW 18.88.110 and 18.88.120; amending section 13, chapter 202, Laws of 1949 as amended by section 7, chapter 288, Laws of 1961 and RCW 18.88.130; amending section 14, chapter 202, Laws of 1949 as amended by section 8, chapter 288, Laws of 1961 and RCW 18.88.140; amending section 15, chapter 202, Laws of 1949 as amended by section 9, chapter 288, Laws of 1961 and RCW 18.88.150; amending section 16, chapter 202, Laws of 1949 as amended by section 10, chapter 288, Laws of 1961 and RCW 18.88.160; amending sections 17 and

18, chapter 202, Laws of 1949 and RCW 18.88.170 and 18.88.180; amending section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 266, Laws of 1971 ex. sess. and RCW 18.88.190; amending section 20, chapter 202, Laws of 1949 as amended by section 12, chapter 288, Laws of 1961 and RCW 18.88.200; amending section 22, chapter 202, Laws of 1949 and RCW 18.88.220; amending sections 23, 24, 25, and 26, chapter 202, Laws of 1949 and RCW 18.88.230, 18.88.240, 18.88.250, and 18.88.260; amending section 15, chapter 288, Laws of 1961 and RCW 18.88.265; amending section 27, chapter 202, Laws of 1949 and RCW 18.88.270; amending section 28, chapter 202, Laws of 1949 as amended by section 13, chapter 288, Laws of 1961 and RCW 18.88.280; amending section 14, chapter 288, Laws of 1961 as amended by section 9, chapter 79, Laws of 1967 and RCW 18.88.285; adding a new section to chapter 18.88 RCW; repealing section 3, chapter 202, Laws of 1949 and RCW 18.88.040; creating new sections; and providing penalties.

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

Section 1. Section 1, chapter 202, Laws of 1949 and RCW 18.88.010 are each amended to read as follows:

In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice ((professional)) nursing as a registered nurse in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. The registered nurse is directly accountable and responsible to the individual consumer for the quality of nursing care rendered.

Sec. 2. Section 2, chapter 202, Laws of 1949 and RCW 18.88.020 are each amended to read as follows:

After the first day of July, 1949, it shall be unlawful for any person to practice or to offer to practice as a ((professional)) registered nurse in this state or to use any title, sign or device to indicate that such a person is practicing as a ((professional)) registered nurse unless such person has been duly licensed and registered under the provisions of this chapter.

Sec. 3. Section 4, chapter 202, Laws of 1949 as amended by section 1, chapter 288, Laws of 1961 and RCW 18.88.030 are each amended to read as follows:

Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of ((professional)) nursing means the performance ((for compensation of any act in the observation; care and counsel of the ill; injured or infirmed; or in the maintenance of health or prevention of illness of others; or in the supervision and teaching

of other personnel; or the administration of medications and treatments as prescribed by a licensed physician, osteopathic physician and surgeon, dentist or chiropodist; requiring substantial specialized judgment and skill and based on knowledge and application of the principles of biological, physical and social science. The foregoing shall not be deemed to include acts of diagnosis or prescription of therapeutic or corrective measures)) of acts requiring substantial specialized knowledge, judgment and skill based upon the principles of the biological, physiological, behavioral and sociological sciences in either:

(1) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others.

(2) The performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by nurses licensed under this chapter and which shall be authorized by the board of nursing through its rules and regulations.

(3) The administration, supervision, delegation and evaluation of nursing practice: PROVIDED, HOWEVER, That nothing herein shall affect the authority of any hospital, hospital district, medical clinic or office, concerning its administration and supervision.

(4) The teaching of nursing.

(5) The executing of medical regimen as prescribed by a licensed physician, osteopathic physician, dentist, or chiropodist.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a ((graduate nurse or)) registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of licenses.

The word "diagnosis", in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms which are essential to effective execution and management of the nursing care regimen.

The term "diploma" means written official verification of completion of an approved nursing education program.

The term "director" means the director of licenses.

((The term "council" means the nurse planning council.))

The terms "nurse" or "nursing" wherever they occur in this chapter, unless otherwise specified, for the purposes of this chapter shall mean a ~~((professional))~~ registered nurse or ~~((professional))~~ registered nursing.

Sec. 4. Section 5, chapter 202, Laws of 1949 and RCW 18.88.050 are each amended to read as follows:

~~((On or before July 1, 1949, the governor shall appoint a rotating board of not less than five members. The members of the first board shall be appointed to serve the following terms, beginning July 1, 1949: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years. Thereafter the terms shall be for five years. The executive secretary as hereinafter provided for shall be an ex officio member of the board.))~~

The state board of nursing, after July 1, 1973, shall consist of seven members, to be appointed by the governor, two of whom shall be appointed for a term of two years, two for a term of four years, and three for a term of five years. Thereafter all appointments shall be for terms of five years. The terms of board members in office at the time of the effective date of this 1973 amendatory act shall end June 30, 1973. No person shall serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of any duty required by law, or for incompetency or unprofessional or dishonorable conduct. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as herein provided.

Sec. 5. Section 6, chapter 202, Laws of 1949 as amended by section 3, chapter 288, Laws of 1961 and RCW 18.88.060 are each amended to read as follows:

There shall be six nurse members and one public member on the board.

Each member of the board shall be a citizen of the United States and a resident of this state ~~((and shall be a registered professional nurse under the provisions of this chapter, and shall have had not less than five years' experience in the practice of nursing following graduation from an accredited school of nursing and shall have been actively engaged in the practice of nursing within two years immediately prior to the time of her appointment or shall have graduated from a four-year accredited college with a major in nursing education and shall have had at least five years successful experience in administration or teaching in a nursing educational program))~~.

(1) Nurse members of the board shall be:

(a) Licensed as registered nurses under the provisions of this

chapter.

(b) Have had at least five years experience in the active practice of nursing and shall have been engaged in practice within two years of appointment.

(i) Three members shall represent nursing education with at least three years of experience in administration or teaching at an approved school of nursing.

(ii) One member shall have had not less than three years experience as an administrator of nursing service.

(iii) One member shall have had not less than three years experience and be actively engaged in community nursing at the level of direct care.

(iv) One member shall have had not less than three years experience and be actively engaged at the level of direct patient care.

(2) The public member shall not be or have been a member of any other licensing board, nor a licensee of any health occupation board, an employee of any health facility, nor derive his primary livelihood from the provision of health services at any level of responsibility.

Sec. 6. Section 7, chapter 202, Laws of 1949 and RCW 18.88.070 are each amended to read as follows:

The board shall meet annually and at its annual meeting shall elect from among its members a chairman and a secretary. The board shall meet at least quarterly at times and places it designates. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, including one officer, shall constitute a quorum at any meeting. All meetings of the board shall be open and public except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

Sec. 7. Section 8, chapter 202, Laws of 1949 as amended by section 4, chapter 288, Laws of 1961 and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall ((prescribe)) approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. ((It shall accredit such schools for professional nurses as meet the requirements of this chapter and of the board. It shall evaluate and approve courses offered by institutions or agencies for affiliation of student nurses. It shall examine all applicants for registration under this chapter and shall certify to the director for licensing duly qualified applicants.)) It shall keep a record of all its proceedings and make an annual report to the

governor. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional health associations, nursing practitioners and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The ((director)) department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to necessary traveling and incidental expenses while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties.

Sec. 8. Section 9, chapter 202, Laws of 1949 as amended by section 5, chapter 288, Laws of 1961 and RCW 18.88.090 are each amended to read as follows:

The director shall appoint ((a supervisor of nursing who shall act as)), after consultation with the board, an executive secretary ((of the board)) who shall act to carry out the provisions of this chapter. The director shall also ((appoint)) employ such assistants ((supervisors)) licensed under the provisions of this chapter as shall be necessary to carry out the provisions of this chapter. The director shall fix the compensation and provide for necessary travel expenses for ((all)) such appointee((s)) and all such employees.

Sec. 9. Section 10, chapter 202, Laws of 1949 as amended by section 6, chapter 288, Laws of 1961 and RCW 18.88.100 are each amended to read as follows:

((Supervisors of nursing and assistant supervisors shall have the same qualifications as are specified for a member of the board of nursing except that they shall have a minimum of eight years' experience in professional nursing, five years of which shall have been in teaching or in administration of a program preparing nursing practitioners or in a combination of both, and they shall have been

actively engaged in nursing education for a period of three years prior to the time of appointment.)

The executive secretary shall be a graduate of an approved nursing education program and of a college and/or university, with a Masters degree, and currently licensed under the provisions of this chapter; shall have a minimum of at least eight years experience in nursing in any combination of administration and nursing education; and shall have been actively engaged in practice of nursing or nursing education within two years immediately prior to the time of appointment.

Sec. 10. Section 11, chapter 202, Laws of 1949 and RCW 18.88.110 are each amended to read as follows:

An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that:

(1) It is prepared to carry out the ((prescribed)) approved basic professional nursing curriculum, and

(2) It is prepared to meet other standards established by this law and by the board. ((A survey)) Surveys of the ((institution or)) schools and institutions and agencies ((with which the school is to be affiliated)) to be used by the schools shall be made ((by the executive secretary or the authorized supervisor of nursing education, who shall submit a written report of the survey to)) as determined by the board. If, in the opinion of the board, the requirements for an ((accredited)) approved school of nursing are met, such school shall be ((accredited)) approved.

Sec. 11. Section 12, chapter 202, Laws of 1949 and RCW 18.88.120 are each amended to read as follows:

From time to time as deemed necessary by the board, it shall be its duty ((through its executive secretary or the authorized supervisor of nursing education)) to survey all schools of nursing in the state. Written reports of such survey shall be ((submitted to)) reviewed by the board. If the board determines that any ((accredited)) approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing, specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall, upon due notice to the school, be removed from the list of ((accredited)) approved schools of nursing to be maintained by the department.

Sec. 12. Section 13, chapter 202, Laws of 1949 as amended by section 7, chapter 288, Laws of 1961 and RCW 18.88.130 are each amended to read as follows:

An applicant for a license to practice ((professional nursing)) as a registered nurse shall submit to the board ((written evidence that said applicant (4) has completed at least an approved

high school course of study or the equivalent thereof as determined by the board and shall meet such other preliminary qualification requirements as the board shall prescribe; (2) has completed the basic professional curriculum in an accredited school of nursing and has been issued a diploma therefrom; (3) is of good moral character; (4) is in good physical and mental health) (1) an attested written application on department form; (2) written official evidence of diploma from an approved school of nursing; and (3) any other official records specified by the board. The applicant at the time of such submission shall not be in violation of RCW 18.88.230 as now or hereafter amended or any other provision of this chapter.

The board, by regulation, shall establish criteria for evaluating the education of all applicants.

Sec. 13. Section 14, chapter 202, Laws of 1949 as amended by section 8, chapter 288, Laws of 1961 and RCW 18.88.140 are each amended to read as follows:

The applicant shall be required ((upon written application)) to pass a written examination in such subjects as the board ((may)) shall determine. ((When an applicant has been issued a diploma from an accredited school of nursing, in the interval before examinations are offered, he may be issued a permit to practice as a professional nurse pending the first succeeding date of examination. Such permits are to be issued for a period of not longer than six months.)) Each written examination may be supplemented by an oral or practical examination. ((Upon successfully passing such examination, as determined by the board, the director shall issue to the applicant a license to practice nursing as a registered professional nurse.)) The board shall establish the standards for passing.

Upon approval by the board, the department shall issue an interim permit authorizing the applicant to practice nursing pending notification of the results of the first licensing examination following verification of diploma from an approved school of nursing. Upon the applicant passing the examination, the department shall issue to the applicant a license to practice as a registered nurse. If the applicant fails the examination, the interim permit expires upon notification and is not renewable. Those applicants who fail the first examination ((may)) shall be allowed to submit themselves for one subsequent examination without payment of any additional fee if such examination is to be held within one year of the first failure. ((Applicants who fail to satisfactorily complete examinations on second attempt shall be required to complete such courses or nursing practice as prescribed by the board in order to be eligible for subsequent examinations. Written evidence of satisfactory completion of such required courses or nursing practice shall be submitted to the board.)) The board shall establish, by

rule and regulation, the requirements necessary to qualify for reexamination of applicants who have failed.

Sec. 14. Section 15, chapter 202, Laws of 1949 as amended by section 9, chapter 288, Laws of 1961 and RCW 18.88.150 are each amended to read as follows:

((The director of licenses after approval by the board, written application, and evidence of qualification,)) Upon board approval of the application, the department ((may)) shall issue a license to practice nursing as a registered ((professional)) nurse without examination((,)) to an applicant who has been duly licensed ((or registered)) as a registered nurse by examination under the laws of another state, territory or ((foreign country, if in the opinion of the board the applicant meets or at the time of graduation met the qualifications required of registered professional nurses in this state)) possession of the United States.

An applicant graduated from a school of nursing outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass examinations as determined by the board.

Sec. 15. Section 16, chapter 202, Laws of 1949 as amended by section 10, chapter 288, Laws of 1961 and RCW 18.88.160 are each amended to read as follows:

Each applicant for a license to practice as a registered((, professional)) nurse shall pay a fee of twenty dollars to the state treasurer.

Sec. 16. Section 17, chapter 202, Laws of 1949 and RCW 18.88.170 are each amended to read as follows:

Any person who holds a license to practice as a registered((, professional)) nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a registered((, professional)) nurse.

Sec. 17. Section 18, chapter 202, Laws of 1949 and RCW 18.88.180 are each amended to read as follows:

Any person holding a valid license ((or certificate of registration)) to practice nursing issued by authority of the state when this chapter becomes effective shall continue to be licensed as a registered((, professional)) nurse under the provisions of this chapter.

Sec. 18. Section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 266, Laws of 1971 ex. sess. and RCW 18.88.190 are each amended to read as follows:

Every license issued under the provisions of this chapter shall be ((annually)) renewed, except as hereinafter provided. ((On

or before January 1st) At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current ((year)) licensing period. The applicant shall return the notice to the ((state treasurer)) department with a renewal fee of ((not more than)) five dollars ((to be determined by the director as provided in REW 43-24-0057)) before ((March 1st)) the expiration date. Upon receipt of the notice and appropriate fee the ((director)) department shall issue to the applicant a ((certificate of renewal for the current year beginning January 1st and expiring December 31st of that year; Such certificate of renewal)) license which shall render the holder thereof a legal practitioner of ((professional)) nursing for the period stated on the ((certificate of renewal)) license.

Sec. 19. Section 20, chapter 202, Laws of 1949 as amended by section 12, chapter 288, Laws of 1961 and RCW 18.88.200 are each amended to read as follows:

((After March 1st)) Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty of ((two)) five dollars. If the applicant fails to renew the license before ((December 31st of that year)) the end of the current licensing period, the license shall be issued for the next ((year)) licensing period by the ((director)) department upon written application and fee of twenty dollars.

Sec. 20. Section 22, chapter 202, Laws of 1949 and RCW 18.88.220 are each amended to read as follows:

A person licensed under the provisions of this chapter desiring to retire temporarily from the practice of nursing in this state shall send a written notice to the director.

Upon receipt of such notice the name of such person shall be placed upon the nonpracticing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state as provided in this chapter. When such person desires to resume practice, ((request)) application for renewal of license ((and payment of renewal fee for the current year shall be made to the state treasurer)) shall be made to the board and renewal fee payable to the state treasurer. Persons on nonpracticing status for three years or more must provide evidence of knowledge and skill of current practice as required by the board or as hereinafter in this chapter provided.

Sec. 21. Section 23, chapter 202, Laws of 1949 and RCW 18.88.230 are each amended to read as follows:

((The license and registration of any person licensed to practice nursing, under the provisions of this chapter, shall be revoked or suspended for any of the following causes when found by

the board: (1) The employment of fraud, misrepresentation or deception in obtaining such license; (2) conviction of crime involving moral turpitude; (3) chronic inebriety or habitual use of drugs; (4) fraud and misrepresentation as to skill and ability; (5) distribution of alcohol or drugs for any other than legitimate purposes; (6) unprofessional conduct; and (7) professional incompetence. Upon the recommendation of the board, the director shall)) Upon recommendation of the board, the department shall deny, or after a hearing by the board, shall revoke or suspend the license upon finding that the person: (1) Procured or attempted to procure the license by fraud or deceit; or (2) has been convicted of a crime involving moral turpitude; or (3) is habitually intemperate in the use of or is addicted to any habit forming or other dangerous drugs; or (4) has engaged in distribution of drugs for any other than legitimate purposes; or (5) exhibits behaviors which may be due to poor physical or mental health which create an undue risk that the person, as a nursing practitioner, would cause harm to other persons; or (6) has previously had a registered nursing license revoked or suspended in this or any other state, territory, possession of the United States, or country, unless reinstated; or (7) has been guilty of gross negligence in the performance of acts of nursing practice; or (8) has engaged in any act inconsistent with generally accepted professional standards of good nursing practice; or (9) has knowingly engaged in any act which, before it was committed, had been determined to be beyond the scope of that person's nursing practice by regulation under this chapter; or (10) wilfully violated any of the provisions of this chapter or regulations adopted thereunder. The department shall upon recommendation from the board reissue a license that has been revoked or suspended under the provisions of this section. Application for the reissuance of such license shall not be considered prior to one year after revocation and shall be made in such manner as the ((director)) board may specify.

Sec. 22. Section 24, chapter 202, Laws of 1949 and RCW 18.88.240 are each amended to read as follows:

Any licensee shall be entitled to a hearing by the board before his or her license is revoked or suspended. In all proceedings having for their purpose a revocation or suspension of a license to practice as a registered((7 professional)) nurse, the holder of such license shall be given twenty days' notice in writing by the director, which notice shall specify the offense or offenses against this chapter with which such accused person is charged, and shall also give the day and place where the hearing is to be held, which shall be the city of Olympia, Washington, unless a different place shall be fixed by the board. The director or the chairman of the board shall have the power to issue subpoenas to compel the

attendance of witnesses or the production of books or documents. The accused person shall have the opportunity to make his or her defense and may have issued such subpoenas as he or she may desire. Subpoenas may be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by the chairman of the board. Testimony shall be taken in writing and may be taken by deposition under such rules as the board may prescribe. The board shall hear and determine the charges and shall make findings and conclusions upon the evidence produced; it shall file the same ((in the director's office)) with the department, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing, signed by the director or chairman of the board, stating the grounds upon which such order is based. Neither the board nor any court to which an appeal may be taken shall be bound by strict rules of procedure or by the rules of evidence in the conduct of its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it.

Sec. 23. Section 25, chapter 202, Laws of 1949 and RCW 18.88.250 are each amended to read as follows:

Any person feeling aggrieved by the refusal of the ((director)) department to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this chapter, or any law being administered under this chapter, shall have the right of appeal in the manner provided by ((REW 43.24.420)) the Washington Administrative Procedure Act, chapter 34.04 RCW.

Sec. 24. Section 26, chapter 202, Laws of 1949 and RCW 18.88.260 are each amended to read as follows:

Reported violations of this chapter shall be investigated by the ((director)) department or the board, as appropriate. In any case in which the ((director)) department or board finds that a violation has occurred, ((he)) it shall immediately report the same to the prosecuting attorney for the county in which the violation took place for prosecution or to the board for appropriate action. ((The director may appoint investigators, whose duties shall be to investigate such violations and to procure legal evidence of the same for prosecution of offenders. The director may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon him in the administration of this chapter.))

Sec. 25. Section 15, chapter 288, Laws of 1961 and RCW 18.88.265 are each amended to read as follows:

The board of nursing may at its option by injunctive proceedings instituted by the attorney general, prevent the practice of ((professional)) nursing by any person not validly licensed.

Sec. 26. Section 27, chapter 202, Laws of 1949 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

- (1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;
- (2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;
- (3) Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;
- (4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;
- (5) Practice as a registered(~~7~~ ~~professional~~) nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and

(6) Otherwise violate any of the provisions of this chapter.

Sec. 27. Section 28, chapter 202, Laws of 1949 as amended by section 13, chapter 288, Laws of 1961 and RCW 18.88.280 are each amended to read as follows:

This chapter shall not be construed as (~~conferring any authority to practice medicine or to undertake the treatment or care of disease, pain, injury, deformity or physical condition in violation of chapter 48.74; nor shall it be construed as conferring any authority to practice osteopathy or osteopathy and surgery in violation of chapter 48.57; nor shall it be construed as~~) [1] prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this chapter, [2] or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; [3] nor shall it be construed as prohibiting such practice of nursing by students enrolled in (~~accredited~~) approved schools as may be incidental to their course of study nor shall it prohibit such students working as nursing aides; [4] nor shall it be construed as prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals, nursing homes or elsewhere under the direction of licensed physicians or the supervision of licensed, registered nurses; [5] nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and

care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; (6) nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this chapter; (7) nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties; (8) permitting the measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof; (9) permitting the prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics; (10) permitting the prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye; (11) prohibiting the performance of routine visual screening; (12) permitting the practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively; (13) permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine; (14) permitting the practice of chiropody as defined in chapter 18.22 RCW; (15) permitting the performance of major surgery, except such minor surgery as the board may have specifically authorized by rule or regulation duly adopted in accordance with the provisions of chapter 34.04 RCW; (16) permitting the prescribing of controlled substances as defined in schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW.

Sec. 28. Section 14, chapter 288, Laws of 1961 as amended by section 9, chapter 79, Laws of 1967 and RCW 18.88.285 are each amended to read as follows:

A (~~(professional)~~) registered nurse under her or his license may perform for compensation nursing care (as that term is usually understood) of the ill, injured or infirm, and in the course thereof, she or he is authorized to do the following things which shall not be done by any person not so licensed, except as provided in RCW 18.78.182:

(1) At or under the general direction of a licensed physician, dentist, osteopath or chiropodist (acting within the scope of his or her license) to administer medications, treatments, tests and inoculations, whether or not the severing or penetrating of tissues

is involved and whether or not a degree of independent judgment and skill is required.

(2) To delegate to other persons engaged in nursing, the functions outlined in the preceding paragraph.

(3) To perform specialized and advanced levels of nursing as defined by the board.

(4) To instruct students of nursing in technical subjects pertaining to nursing.

~~((4))~~ (5) To hold herself or himself out to the public or designate herself or himself as a registered nurse or ~~((professional))~~ nurse.

NEW SECTION. Sec. 29. There is added to chapter 18.88 RCW a new section to read as follows:

The department, subject to chapter 34.04 RCW, the Washington Administrative Procedure Act may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon it in the administration of this chapter.

NEW SECTION. Sec. 30. Section 3, chapter 202, Laws of 1949 and RCW 18.88.040 are each repealed.

NEW SECTION. Sec. 31. If any provision of this 1973 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 February 13, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 19, 1973, with the exception of subsections (1)(b)(i) through (1)(b)(iv) of section five which are vetoed.

Filed in Office of Secretary of State March 20, 1973.

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

"I am returning herewith without my approval as to a certain item in Senate Bill No. 2213 entitled:

"AN ACT Regulating the practice of nursing."

This act comprehensively reformulates the law relating to the regulation of nursing practice. This legislation has the effect of bringing the law up to date with many currently accepted nursing practices and building into the administrative processes sufficient flexibility to meet future needs of the profession.

Veto
Message

Part of the basis of increased flexibility results from extending the authority and responsibility of the state board of nursing. That board shall consist of seven

members and includes six nurses and one public member. In section five, subsection (1)(b)(i) through subsection (1)(b)(iv), the act details at considerable length the qualifications required of individual nurse members of the board. Without these subsections, there remain the requirements that nurse members be licensed under the act, have five years of practice and have actively practiced within two years of appointment. The further detailing of requirements in subsections (1)(b)(i) through (1)(b)(iv) of section five could unduly restrict representation on the board and therefore not serve the best interests of the people or the profession. Accordingly, I have determined to veto that portion of section five.

Veto
Message

With the exception of subsections (1)(b)(i) through (1)(b)(iv) of section five, I have approved Senate Bill No. 2213."

CHAPTER 134

[Senate Bill No. 2459]

DOMESTIC RELATIONS--FILIIATION PROCEEDINGS--
CUSTODY--NOTICE--CONSENT

AN ACT Relating to domestic relations; amending section 19, chapter 203, Laws of 1919 and RCW 26.24.190; amending section 3, chapter 291, Laws of 1955 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 and RCW 26.32.050; amending section 8, chapter 291, Laws of 1955 and RCW 26.32.080; amending section 1, chapter 49, Laws of 1903 and RCW 26.37.010; adding new sections to chapter 291, Laws of 1955 and to chapter 26.32 RCW; adding a new section to chapter 49, Laws of 1903 and to chapter 26.37 RCW; adding a new section to chapter 26.28 RCW; and declaring an emergency.

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

Section 1. Section 19, chapter 203, Laws of 1919 and RCW 26.24.190 are each amended to read as follows:

((If the mother be a suitable person she shall be awarded the custody and control of said child; if she be not a suitable person, the court may deliver)) In any filiation proceeding where the accused is found to be the father of the child, the court shall include in its judgment an award of custody of the child to that parent who is the more fit from the standpoint of furthering the child's welfare;

PROVIDED, That if the court finds both parents unfit to have custody of the child, then the court shall provide for the care and custody of said child ((to)) by any reputable person, ((including the accused, charitable or state institution)) appropriate private agency licensed pursuant to chapter 74.15 RCW, or appropriate public agency. Such order and judgment may further provide, in the discretion of the court, that the surname of the ((accused)) child shall henceforth be ((the lawful surname of such child)) that parent's surname which the court finds would be in the best interest of the child.

Sec. 2. Section 3, chapter 291, Laws of 1955 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother and father, if living, except as ((hereinafter)) provided in this 1973 amendatory act;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 3. Section 4, chapter 291, Law of 1955 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment

of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a ~~((father))~~ parent of an illegitimate child who prior to entry of the interlocutory decree of adoption has not contested the proposed adoption after having been provided with notice of a hearing on an adoption petition pursuant to the notice provisions of section 6 of this 1973 amendatory act.

(6) From a parent who has surrendered the child pursuant to section 7 of this 1973 amendatory act.

Sec. 4. Section 5, chapter 291, Laws of 1955 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW 26.32.040 to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption(**PROVIDED, That the father of an illegitimate child shall not be entitled to notice of such hearing**).

Sec. 5. Section 8, chapter 291, Laws of 1955 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: **PROVIDED, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;**

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the

petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court (~~may~~) shall order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) If the court is satisfied of the illegitimacy of the child to be adopted, and so finds, (~~no~~) then notice to (~~the father~~) any nonconsenting parent of such child shall be made as required under the provisions of section 6 of this 1973 amendatory act.

(6) Except as provided in subsection (5) of this section, a notice in substantially the following form will be deemed sufficient:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF.....

In the Matter of the Adoption of) No.....

JANE DOE) NOTICE

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on the.....day of....., 19....., at the hour of 9:30 a.m., at the courtroom of said superior court, at....., or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable....., Judge of said Superior court, and the seal of said court hereunto affixed this.....day of.....,19.....

.....
Clerk

(SEAL)

.....
Deputy Clerk

NEW SECTION. Sec. 6. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

The following requirements regarding notice of hearing on a petition for adoption shall apply to the parent of an illegitimate child who has not consented to the adoption of such child:

(1) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (3) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known, then notice shall be made by publication in the manner required under subsection (2) of this section and as prescribed under subsection (3) of this section.

(2) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

(a) acknowledges that he is a parent and the court finds him to be a parent, or

(b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (3) of this section.

(3) The notice required under subsections (1) and (2) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF.....

In the Matter of the Adoption of Jane Doe No.....
Notice

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of the.....[father or mother] of such child is not required by law.

You are also notified that the consent of the..... [mother or father] of the above named, such.....[mother's or father's] name being....., has already been given or is not required by law.

A hearing for such purpose will be had on theday of....., 19...., at the hour of 9:30 a.m., at the courtroom of said superior court, at....., or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable....., Judge of said Superior court, and the seal of said court hereunto affixed this day of, 19.....

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 7. Section 1, chapter 49, Laws of 1903 and RCW 26.37.010 are each amended to read as follows:

Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age under the following provisions:

(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided.

(2) In case of death or legal incapacity of a father or his

abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(4) In cases where the child to be surrendered is illegitimate and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under section 8 of this 1973 amendatory act, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section.

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child.

NEW SECTION. Sec. 8. There is added to chapter 49, Laws of 1903 and to chapter 26.37 RCW a new section to read as follows:

(1) Whenever one parent, but not both parents, of an illegitimate child surrenders the child in writing pursuant to subsection (4) of section 7 of this 1973 amendatory act, the surrender shall not be valid unless a petition for surrender is granted by the court in conformity with the provisions of this

section. The court shall grant such petition if the parent who did not provide the surrender in writing fails to contest the petition at the hearing held thereon.

(2) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (4) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of the notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known then notice shall be made by publication in the manner required under subsection (3) of this section and as prescribed under subsection (4) of this section.

(3) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

(a) acknowledges that he is a parent and the court finds him to be a parent, or

(b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-four days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (4) of this section.

(4) The notice required under subsections (2) and (3) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF.....

In the Matter of the Surrender of No.....
Jane Doe Notice

To all whom it may concern;

You are hereby notified that there has been filed in this court a petition for the surrender of the above-named, praying also

that there be first an adjudication that the.....[father's or mother's] written surrender of such child is not required by law.

You are notified that the written surrender of the above-named by the.....[father or mother] of the above-named, such..... [father's or mother's] name being....., has already been given or is not required by law.

You are further notified that your failure to contest the surrender of the above-named at the hearing described in this notice may result in the relinquishment of your rights to custody and control of the above-named and the adoption of the above-named.

A hearing for such purpose will be had on theday of....., 19..., at the hour of 9:30 a.m., at the courtroom of said superior court, at....., or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, the Honorable....., Judge of said Superior court, and the seal of said court hereunto affixed this..... day of....., 19.....

.....

Clerk

(Seal)

.....

Deputy Clerk

NEW SECTION. Sec. 9. There is added to chapter 26.28 RCW a new section to read as follows:

The parents of an illegitimate child shall have primary rights to the custody of such child. Between the parents of an illegitimate child, that parent who is the more fit from the standpoint of furthering the child's welfare shall have the superior right to custody. In any dispute between the natural parents of an illegitimate child and person or persons who have (1) commenced adoption proceedings or who have been granted an order of adoption, and (2) pursuant to court order or placement by the department of social and health services or licensed agency have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is more fit shall have the superior right to custody.

NEW SECTION. Sec. 10. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

Where a natural parent (or parents) of an illegitimate child successfully petitions to have the adoption of the child set aside, the parent shall be liable to the adoptive parents (or parent) for their direct and indirect costs in supporting such child.

The term "direct and indirect costs" as used in this section shall include both actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

NEW SECTION. Sec. 11. There is added to chapter 291, Laws of 1955 and to chapter 26.32 RCW a new section to read as follows:

In each action brought by a natural parent (or parents) of an illegitimate child to set aside the adoption of the child, no hearing or trial on the merits of the action shall be conducted until such time as the natural parent (or parents) posts a bond equal to one hundred dollars for each period of thirty days which the adoptive parents (or parent) had custody of the child. Such bond shall be used to satisfy the adoptive parents' right under section 10 of this 1973 amendatory act to compensation for support in the event the adoption is set aside.

NEW SECTION. Sec. 12. This 1973 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.

NEW SECTION. Sec. 13. If any provision of this 1973 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 March 2, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 20, 1973, with the exception of Section 11 which is vetoed.

Filed in Office of Secretary of State March 20, 1973.

Veto Overriden by Senate April 7, 1973.

Veto Overriden by House April 14, 1973.

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

"I am returning herewith without my approval as to one section Senate Bill No. 2459 entitled:

"AN ACT Relating to domestic relations."

This bill creates rights and processes relating to the custody of children, which recognizes that neither parent may be absolutely barred from custody of a child.

The necessity for this legislation arises from the decisional law of the U. S. Supreme Court, which has held that the fact of nonmarriage between parents is not sufficient grounds to deny a father all chance of having custody of his children.

As a direct consequence of the decision of the Supreme Court, fathers must now be given adequate notice of proceedings, within the meaning of the due process clause of the Constitution, when their illegitimate children are put up for adoption. Failure to give such notice can mean that adoptive parents may lose their child at some point in the future if the parent who was not notified attacks the adoption in court. The processes and procedures provided for in this act are designed to render as secure as possible any adoption which is finalized in a legal manner.

Section ten of the act further provides that a parent who successfully attacks an adoption to obtain custody of the adoptive child must pay the adoptive parents all direct and indirect costs of child support which the adoptive parents had previously incurred. Section eleven provides that, before a natural parent may file suit to obtain custody of his child from adoptive parents, he must file a bond in the amount of \$100 a month for every month the adoptive parents had custody of the child, such bond to be security for any damages which might be adjudged under section ten. Section eleven clearly discriminates against those persons who have insufficient resources to obtain the bond, preventing those persons from even getting into a court to test the merits of their claim. The random impact of such a provision, denying only those who have limited resources full access to the courts, deters the basic function of the judicial system, to decide the issues of a law suit on its merits. Accordingly, I have determined to veto section eleven for the reasons set forth above.

With the exception of section eleven, I have approved Senate Bill No. 2459."

Note: Secretary of the Senate's letter informing the Secretary of State that the Legislature has overridden the Governor's partial veto is as follows:

Hon. A. Ludlow Kramer
Secretary of State
Legislative Building
Olympia, Washington 98504

Dear Mr. Kramer:

Enclosed is Enrolled Senate Bill No. 2459 as vetoed by Governor Evans on March 20, 1973.

The First Extraordinary Session of the Forty-third Legislature passed the measure notwithstanding the partial veto of Governor Evans. The Senate over-rode the Governor's veto by a vote of 40 yeas and 6 nays on April 7, 1973 and the House over-rode the Governor's veto by a vote of 79 yeas and 19 nays on April 14, 1973.

Sincerely yours,

SID SNYDER
Secretary of the Senate

CHAPTER 135
[House Bill No. 337]
PUBLIC EMPLOYMENT--FELONS--
RESTRICTION REMOVED

AN ACT Relating to removing the disqualification of felons from certain employment; adding a new chapter to Title 9 RCW; and declaring an effective date.

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

NEW SECTION. Section 1. The legislature declares that it is the policy of the state of Washington to encourage and contribute to the rehabilitation of felons and to assist them in the assumption of the responsibilities of citizenship, and the opportunity to secure employment or to pursue, practice or engage in a meaningful and profitable trade, occupation, vocation, profession or business is an essential ingredient to rehabilitation and the assumption of the responsibilities of citizenship.

NEW SECTION. Sec. 2. Notwithstanding any other provisions of law to the contrary, a person shall not be disqualified from employment by the state of Washington or any of its agencies or

political subdivisions, nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its agencies or political subdivisions solely because of a prior conviction of a felony: PROVIDED, This section shall not preclude the fact of any prior conviction of a crime from being considered. However, a person may be denied employment by the state of Washington or any of its agencies or political subdivisions, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years.

NEW SECTION. Sec. 3. This chapter shall not be applicable to any law enforcement agency; however, nothing herein shall be construed to preclude a law enforcement agency in its discretion from adopting the policy set forth in this chapter.

NEW SECTION. Sec. 4. Any complaints or grievances concerning the violation of this chapter shall be processed and adjudicated in accordance with the procedures set forth in chapter 34.04 RCW, the administrative procedure act.

NEW SECTION. Sec. 5. The provisions of this chapter shall prevail over any other provisions of law which purport to govern the denial of licenses, permits, certificates, registrations, or other means to engage in a business, on the grounds of a lack of good moral character, or which purport to govern the suspension or revocation of such a license, permit, certificate, or registration on the grounds of conviction of a crime.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 7. This act shall take effect on July 1, 1973.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 136

[House Bill No. 134]

DEPARTMENT OF NATURAL RESOURCES--NAVIGABLE WATERS--
WOOD DEBRIS--REMOVAL AUTHORIZATION

AN ACT Relating to the removal of wood debris from the navigable waters of the state of Washington; adding a new chapter to Title 76 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. Sections 2 through 8 of this act shall constitute a new chapter in Title 76 RCW.

NEW SECTION. Sec. 2. This chapter authorizes the removal of wood debris from navigable waters of the state of Washington. It shall be the duty of the department of natural resources to administer and enforce the provisions of this chapter.

NEW SECTION. Sec. 3. "Wood debris" as used in this chapter is wood that is adrift on navigable waters or has been adrift thereon and stranded on beaches, marshes, or navigable and shorelands and which is not merchantable or economically salvageable under the Log Patrol Act, chapter 76.40 RCW.

"Removal" as used in this chapter shall include all activities necessary for the collection and disposal of such wood debris: PROVIDED, That nothing herein provided shall permit removal of wood debris from private property without written consent of the owner.

NEW SECTION. Sec. 4. The department of natural resources may by contract, license, or permit, or other arrangements, cause such wood debris to be removed by licensed log patrolmen, other private contractors, department of natural resources employees, or by other public bodies. Nothing contained in this chapter shall prohibit any individual from using any nonmerchantable wood debris for his own personal use.

NEW SECTION. Sec. 5. The department of natural resources shall create, maintain, and administer within the log patrol revolving fund a separate account to be known as the debris removal account. This account shall consist of moneys recovered from the sale of debris as defined in section 3 of this 1973 act, and the moneys transferred from the log patrol revolving fund as provided in section 6 of this 1973 act. This account shall be used to pay for removal of wood debris, and for salaries, wages, and other operating expenses arising under the administration of this chapter.

NEW SECTION. Sec. 6. Moneys may be transferred within the log patrol revolving fund to the debris removal account not to exceed

fifty percent of the total revenue of the log patrol revolving fund during each bimonthly period. The debris removal account balance shall not exceed ten thousand dollars and shall be in addition to the amount specified in RCW 76.40.015.

NEW SECTION. Sec. 7. It shall be unlawful to dispose of wood debris by depositing such material into any of the navigable waters of this state, except as authorized by law including any discharge or deposit allowed to be made under and in compliance with chapter 90.48 RCW and any rules or regulations duly promulgated thereunder. Violation of this section shall be a misdemeanor.

NEW SECTION. Sec. 8. The department of natural resources shall adopt and enforce such rules and regulations as may be deemed necessary for administering this chapter.

Passed the House March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 137

[House Bill No. 224]

EXECUTIVE CONFLICT OF INTEREST ACT--EXPANSION--
CIVIL PENALTIES

AN ACT Relating to officers and employees of the state of Washington; amending section 13, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.130; amending section 29, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.290; amending section 30, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.300; repealing section 39, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.340; and prescribing penalties.

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

Section 1. Section 13, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.130 are each amended to read as follows:

"State employee" means any individual who is appointed by an agency head, as defined in RCW 42.18.040, or his designee, and serves under the supervision and authority of an agency as defined in RCW 42.18.030.

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 RCW 42.18.070 and 42.18.100 respectively.

The term "state employee" also includes any member of a commission, board, committee or any other multi-member governing body of an agency.

Sec. 2. Section 29, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.290 are each amended to read as follows:

The attorney general of the state of Washington may bring a civil action in the superior court of ((Thurston county)) the county in which the violation was alleged to have occurred against any state employee ((or)), former state employee or other person who shall have ((acted to his economic advantage in violation)) violated or knowingly assisted any other person in violating any provision of this chapter ((7)) 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 chapter)) the following damages on behalf of the state of Washington: (1) From each such person a civil penalty of either five hundred dollars or an amount not exceeding three times the amount of the economic value of anything received or sought in violation of this 1973 amendatory act; and (2) any damages sustained by the state, which are caused by the conduct constituting the violation.

Sec. 3. Section 30, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.300 are each amended to read as follows:

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 REW 42-18-230 a civil penalty of not more than five thousand dollars; in partial reimbursement of the state of Washington for its expenses of administering this chapter)) against any person who shall violate RCW 42.18.230. In such action the attorney general shall be awarded the following damages for the state of Washington: (1) A civil penalty of either one thousand dollars or an amount not exceeding three times the economic value of anything which has been given, transferred, or delivered in violation of RCW 42.18.230; and (2) any damages sustained by the state which are caused by the conduct constituting the violation.

NEW SECTION. Sec. 4. Section 39, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.340 are each repealed.

Passed the House March 3, 1973.

Passed the Senate February 26, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 138

[House Bill No. 359]

SCHOOL DISTRICTS--COMMUNITY
EDUCATION PROGRAMS

AN ACT Relating to community education programs; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That such programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community college education and shall be programs receiving the approval of said superintendent: PROVIDED FURTHER, That no state funds appropriated to the common schools or the superintendent of public instruction's office shall be used to begin new community education programs or expand existing community education programs.

Passed the House March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 139

[House Bill No. 381]

DOMESTIC WASTE TREATMENT PLANTS--OPERATORS--
CERTIFICATION--REGULATION

AN ACT Relating to the certification and regulation of operators responsible for the operation of domestic waste treatment plants; adding a new chapter to Title 43 RCW; providing penalties; declaring an emergency; and making an effective date.

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

NEW SECTION. Section 1. The legislature declares that competent operation of waste treatment plants plays an important part in the protection of the environment of the state and therefore it is of vital interest to the public. In order to protect the public health and to conserve and protect the water resources of the state, it is necessary to provide for the classifying of all domestic wastewater treatment plants; to require the examination and certification of the persons responsible for the supervision and operation of such systems; and to provide for the promulgation of rules and regulations to carry out this chapter.

NEW SECTION. Sec. 2. As used in this chapter unless context requires another meaning:

(1) "Director" means the director of the department of ecology.

(2) "Department" means the department of ecology.

(3) "Board" means the water and wastewater operator certification board of examiners established by section 7 of this 1973 act.

(4) "Certificate" means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Waste treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

(7) "Nationally recognized association of certification authorities" shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

NEW SECTION. Sec. 3. As provided for in this chapter, the operator in responsible charge of the day-to-day operation of a waste treatment plant shall be certified. When a waste treatment plant is normally operated for more than one shift, the man responsible for each shift operation shall also be certified. Operating personnel not required to be certified by this chapter are encouraged to become certified hereunder on a voluntary basis.

NEW SECTION. Sec. 4. The director, with the approval of the board, shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

NEW SECTION. Sec. 5. The director shall classify all waste treatment plants with regard to the size, type, and other conditions affecting the complexity of such treatment plants and the skill, knowledge, and experience required of an operator to supervise the operation of such facilities to protect the public health and the State's water resources.

NEW SECTION. Sec. 6. The director is authorized when taking action pursuant to sections 4 and 5 of this 1973 act to consider generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

NEW SECTION. Sec. 7. For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by

regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for waterworks operators established pursuant to such act.

The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

This board shall assist in the development of rules and regulations, shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance of revocation of certificates. The board shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

Each member appointed by the governor shall serve without compensation, but shall be reimbursed twenty-five dollars per diem for each day or portion thereof he performs assigned services as a board member, and shall be paid his necessary traveling expenses while engaged in the business of the board as prescribed in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION. Sec. 8. Certificates shall be issued without examination under the following conditions:

(1) Certificates, in appropriate classifications, shall be issued without application fee to operators who, on the effective date of this 1973 act, hold certificates of competency attained by examination under the voluntary certification program sponsored jointly by the state department of social and health services, health services division, and the pacific northwest pollution control association.

(2) Certificates, in appropriate classifications, shall be issued to persons certified by a governing body or owner to have been the operator in responsible charge of a waste treatment plant on the effective date of this 1973 act. A certificate so issued will be valid only for the existing plant.

(3) A nonrenewable certificate, temporary in nature, may be issued for a period not to exceed twelve months, to an operator to fill a vacated position required to have a certified operator. Only one such certificate may be issued subsequent to each instance of vacation of any such position.

NEW SECTION. Sec. 9. The issuance and renewal of a certificate shall be subject to the following conditions:

(1) A certificate shall be issued if the operator has satisfactorily passed a written examination, or has met the

requirements of section 8 of this 1973 act, and has met the requirements specified in the rules and regulations as authorized by this chapter, and has paid the department an application fee of ten dollars.

(2) The term for all certificates shall be from the first of January of the year of issuance until the thirty-first of December of the same year. Every certificate shall be renewed annually upon the payment of a five dollar renewal fee and satisfactory evidence presented to the director that the operator demonstrates continued professional growth in the field.

(3) An individual who fails to renew the certificate before the end of certification year, upon notice by the director shall have his certificate suspended for thirty days. If, during the suspension period, the renewal is not completed, the director shall give notice of revocation to the employer and to the operator and the certificate will be revoked ten days after such notice is given. An operator whose certificate has been revoked must reapply for certification and will be requested to meet the requirements of a new applicant.

NEW SECTION. Sec. 10. The director may, with the recommendation of the board and after a hearing before the same, revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

NEW SECTION. Sec. 11. To carry out the provisions and purposes of this chapter, the director is authorized and empowered to:

(1) Enter into agreements, contracts, or cooperative arrangements, under such terms and conditions as he deems appropriate with other state, federal, or interstate agencies, municipalities, education institutions, or other organizations or individuals.

(2) Receive financial and technical assistance from the federal government and other public or private agencies.

(3) Participate in related programs of the federal government, other states, interstate agencies, or other public or private agencies or organizations.

(4) Upon request, furnish reports, information, and materials relating to the certification program authorized by this chapter to federal, state, or interstate agencies, municipalities, education institutions, and other organizations and individuals.

(5) Establish adequate fiscal controls and accounting procedures to assure proper disbursement of and accounting for funds

appropriated or otherwise provided for the purpose of carrying out the provisions of this chapter.

NEW SECTION. Sec. 12. On and after one year following the effective date of this 1973 act, it shall be unlawful for any person, firm, corporation, municipal corporation, or other governmental subdivision or agency to operate a waste treatment plant unless the operator of the plant or system is duly certified by the director under the provisions of this chapter or any lawful rule, order, or regulation of the department. It shall also be unlawful for any person to perform the duties of an operator as defined in this chapter, or in any lawful rule, order, or regulation of the department, without being duly certified under the provisions of this chapter.

NEW SECTION. Sec. 13. On or after the effective date of this 1973 act, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director shall consult with the board and may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities.

NEW SECTION. Sec. 14. Any person, including any firm, corporation, municipal corporation, or other governmental subdivision or agency violating any provisions of this chapter or the rules and regulations adopted hereunder, is guilty of a misdemeanor. Each day of operation in such violation of this chapter or any rules or regulations adopted hereunder shall constitute a separate offense. Upon conviction, violators shall be fined an amount not exceeding one hundred dollars for each offense. It shall be the duty of the prosecuting attorney or the attorney general, as appropriate, to secure injunctions of continuing violations of any provisions of this chapter or the rules and regulations adopted hereunder.

NEW SECTION. Sec. 15. All receipts realized in the administration of this chapter shall be paid into the general fund.

NEW SECTION. Sec. 16. There is added to Title 43 RCW a new chapter to read as set forth in sections 1 through 15 of this 1973 act.

NEW SECTION. Sec. 17. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the

support of the state government and its existing public institutions, and shall take effect on July 1, 1973.

Passed the House March 7, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 140

[House Bill No. 402]

ABSENTEE BALLOTS--COUNTING PROCEDURES

AN ACT Relating to the counting of absentee ballots; adding a new section to chapter 29.36 RCW; and amending section 29.36.060, chapter 9, Laws of 1965 and RCW 29.36.060.

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

Section 1. Section 29.36.060, chapter 9, Laws of 1965 and RCW 29.36.060 are each amended to read as follows:

The opening(~~(; counting)~~) and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day (~~(after)~~) prior to such primary or election (~~(is held but)~~): PROVIDED, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election but must be completed on or before the tenth day following the primary or election: PROVIDED, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application. The board then shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the statement, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key.

The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

NEW SECTION. Sec. 2. There is added to chapter 29.36 RCW a new section to read as follows:

As an alternative to the procedure set forth in section 1 of this 1973 amendatory act, the county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: PROVIDED, That in the instance of punchcard absentee ballots, such ballots may be taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 141

[House Bill No. 404]

DISCRIMINATION--SEX BASIS--CREDIT--
INSURANCE--PROHIBITED

AN ACT Relating to the laws against discrimination; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.040; amending section 8, chapter 270, Laws of 1955 as last amended by section 1, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as amended by section 2, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 and RCW 49.60.175; amending section 9, chapter 37, Laws of 1957 as last amended by section 3, chapter 81,

Laws of 1971 ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 4, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 5, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.200; amending section 4, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.222; amending section 7, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.225; and adding new sections to chapter 49.60 RCW.

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

Section 1. Section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, ~~((or))~~ national origin, sex, marital status or age are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation or amusement, and in real property transactions because of race, creed, color, ~~((or))~~ national origin, sex, marital status or age; and the board established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. Section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, ~~((or))~~ nation origin, sex, marital status or age, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained by construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his civil rights. ~~((However, the election of a person to pursue such a remedy shall preclude him from pursuing those~~

administrative remedies created by this chapter.)

Sec. 3. Section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, ~~((or))~~ national origin, or sex is recognized as and declared to be a civil right. This right shall include, but not be limited to:

~~((1))~~ (a) The right to obtain and hold employment without discrimination;

~~((2))~~ (b) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement;

~~((3))~~ (c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit or insurance transactions without discrimination;

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 4. Section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; it includes any owner, lessee, proprietor, manager, agent or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof;

"Employer" includes any person acting in the interest of an employer, directly, or indirectly, who has eight or more persons in his employ, and does not include any religious or sectarian organization, not organized for private profit;

"Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person;

"Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment;

"Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer;

"National origin" includes "ancestry";

"Full enjoyment of" includes the right to purchase any service, commodity or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement, without acts directly or indirectly causing persons of any particular race, creed or color, to be treated as not welcome, accepted, desired or solicited;

"Any place of public resort, accommodation, assemblage or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire or reward, or where charges are made for admission, service, occupancy or use of any property or facilities, whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation or public purposes, or public halls, public elevators and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing herein contained shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything herein contained apply to any educational facility, columbarium, crematory,

mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

"Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein;

"Real estate transaction" includes the sale, exchange, purchase, rental or lease of real property.

"Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the course of the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

NEW SECTION. Sec. 5. There is added to chapter 49.60 RCW a new section to read as follows:

(1) It is an unfair practice for any person whether acting for himself or another in connection with any credit transaction because of race, creed, color, national origin, sex or marital status:

(a) To deny credit to any person;

(b) To increase the charges or fees for or collateral required to secure any credit extended to any person;

(c) To restrict the amount or use of credit extended or to impose different terms or conditions with respect to the credit extended to any person or any item or service related thereto;

(d) To attempt to do any of the unfair practices defined in this section.

(2) Nothing in this section shall prohibit any party to a credit transaction from considering the credit history of any individual applicant.

(3) Further, nothing in this section shall prohibit any party to a credit transaction from considering the application of the community property law to the individual case or from taking reasonable action thereon.

NEW SECTION. Sec. 6. There is added to chapter 49.60 RCW a new section to read as follows:

It is an unfair practice for any person whether acting for himself or another in connection with an insurance transaction to fail or refuse to issue or renew insurance to any person because of

sex, marital status, race, creed, color or national origin. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that rates charged may have been filed and approved pursuant to Title 48 RCW does not constitute a defense to an action under this section and the fact that such unfair practice may also be a violation of chapter 48.30 RCW does not constitute a defense to an action brought under this section.

Sec. 7. Section 8, chapter 270, Laws of 1955 as last amended by section 1, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.120 are each amended to read as follows:

The board shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate and pass upon complaints alleging unfair practices as defined in this chapter because of sex, race, creed, color, or national origin.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, ~~((or))~~ national origin, sex, marital status, or age.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

Sec. 8. Section 9, chapter 270, Laws of 1955 as amended by section 2, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.130 are each amended to read as follows:

The board has power to create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color ~~((or))~~, national origin, or marital status; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and

procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 9.. Section 1, chapter 68, Laws of 1959 and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use or require designation of the sex, race, creed, color or national origin of any person on ~~((credit applications of banks, loan companies, insurance companies or any other financial institution))~~ any document concerning an application for credit in any credit transaction.

Sec. 10. Section 9, chapter 37, Laws of 1957 as last amended by section 3, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, sex, marital status, race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(2) To discharge or bar any person from employment because of such person's age, sex, marital status, race, creed, color, or national origin.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, sex, marital status, race, creed, color, or national origin: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the board by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, marital status, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 11. Section 10, chapter 37, Laws of 1957 as last amended by section 4, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.190 each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

(2) To expel from membership any person because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

(3) To discriminate against any member, employer, or employee because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

Sec. 12. Section 11, chapter 37, Laws of 1957 as last amended by section 5, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.200 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, or nation origin, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Sec. 13. Section 4, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color or national origin:

(1) To refuse to engage in a real estate transaction with a person;

(2) To discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

(3) To refuse to receive or to fail to transmit a bona fide offer to engage in real estate transaction from a person;

(4) To refuse to negotiate for a real estate transaction with a person;

(5) To represent to a person that real property is not

available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

(6) To print, circulate, post or mail or cause to be so published a statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto;

(7) To offer, solicit, accept, use or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith;

(8) To expel a person from occupancy of real property; or

(9) To discriminate in the course of negotiating, executing of financing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of section 5 of this 1973 amendatory act relating to unfair practices in credit transactions.

(10) To attempt to do any of the unfair practices defined in this section.

Sec. 14. Section 7, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.225 are each amended to read as follows:

When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the board or its successor may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040 and 49.60.222 through 49.60.226 as now or hereafter amended to be free from discrimination in real property transactions because of sex, marital status, race, creed, color or national origin. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

Passed the House February 19, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 142

[House Bill No. 504]

DEPARTMENT OF AGRICULTURE--BUSINESS FEES--PAYMENT--SECURITY DEPOSITS
IN LIEU OF BONDS

AN ACT Relating to agriculture; amending section 13, chapter 139, Laws of 1959 as amended by section 7, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.130; and adding new sections to chapter 20.01 RCW and chapter 16.65 RCW.

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

Section 1. Section 13, chapter 139, Laws of 1959 as amended by section 7, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.130 are each amended to read as follows:

All ((moneys)) fees received by the department under the provisions of this chapter shall be paid to ((the state treasurer and be deposited in a special fund to be known as the commission merchants account)) the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules and regulations adopted hereunder.

NEW SECTION. Sec. 2. There is added to chapter 20.01 RCW a new section to read as follows:

In lieu of the surety bonds required under the provisions of this chapter, an applicant or licensee may file with the director a deposit consisting of cash or other security acceptable to the director. The director may adopt rules and regulations necessary for the administration of such security.

NEW SECTION. Sec. 3. There is added to chapter 16.65 RCW a new section to read as follows:

In lieu of the surety bond required under the provisions of this chapter, an applicant or licensee may file with the director a deposit consisting of cash or other security acceptable to the director. The director may adopt rules and regulations necessary for the administration of such security.

Passed the House March 3, 1973.

Passed the Senate February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 143

[Engrossed Senate Bill No. 2072]

POLICE RETIREMENT BENEFITS--PAYMENT AUTHORITY--
MEMBERSHIP TRANSFER

AN ACT Relating to police benefits in first class cities; amending

section 11, chapter 39, Laws of 1909 as amended by section 5, chapter 18, Laws of 1911 and RCW 41.20.030; and amending section 1, chapter 82, Laws of 1963 as amended by section 27, chapter 209, Laws of 1969 ex.sess. and RCW 41.20.170.

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

Section 1. Section 11, chapter 39, Laws of 1909 as amended by section 5, chapter 18, Laws of 1911 and RCW 41.20.030 are each amended to read as follows:

The board herein provided for shall hold monthly meetings on the first Mondays of each month and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 for the amounts of money ordered paid to such persons from such fund by said board, which warrants shall state for what purpose such payments are made; it shall keep a record of its proceedings, which record shall be a public record; it shall, at each monthly meeting, send to the treasurer of such city a written or printed list of all persons entitled to payment under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The treasurer of such city shall thereupon enter a copy of said list upon a book to be kept for that purpose and which shall be known as "the police relief and pension fund book", and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such fund. The treasurer shall prepare and enter into such book an additional list showing those persons entitled to payment under RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 and shall on the last day of each month issue warrants in the appropriate amounts to such persons. A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business.

Sec. 2. Section 1, chapter 82, Laws of 1963 as amended by section 27, chapter 209, Laws of 1969 ex. sess. and RCW 41.20.170 are each amended to read as follows:

Any former employee of a (~~harbor~~) department of a city of the first class (~~that has been abolished and has had its functions included within the police department of such city~~) who (1) (~~is~~) was a member of the employees' retirement system of such city, and (2) is now employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police relief and pension fund system. For the purpose of the transfer contemplated by this section, the affected individuals shall be allowed to restore withdrawn contributions to the city employees' retirement system and reinstate their membership service records.

Any employee so transferring shall have all the rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon service with the city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire December 31, ((1969)) 1973.

Passed the Senate February 6, 1973.

Passed the House March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 144

[Engrossed Senate Bill No. 2093]

STATE FUNDS--UNANTICIPATED INCOME-- EXPENDITURE PROCEDURES

AN ACT Relating to state funds; amending section 43.79.260, chapter 8, Laws of 1965 and RCW 43.79.260; amending section 43.79.270, chapter 8, Laws of 1965 and RCW 43.79.270; amending section 43.79.280, chapter 8, Laws of 1965 and RCW 43.79.280; and repealing section 43.79.250, chapter 8, Laws of 1965 and RCW 43.79.250.

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

Section 1. Section 43.79.260, chapter 8, Laws of 1965 and RCW

43.79.260 are each amended to read as follows:

The governor is designated the agent of the state to accept and receive all ~~((such))~~ funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the ~~((contingent receipts))~~ appropriate fund ~~((and the same shall be expended therefrom by his written authorization))~~ or account.

Sec. 2. Section 43.79.270, chapter 8, Laws of 1965 and RCW 43.79.270 are each amended to read as follows:

Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure ~~((may properly))~~ shall be made ~~((shall))~~ is to submit to the governor ~~((duplicate copies of))~~ a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor.

Sec. 3. Section 43.79.280, chapter 8, Laws of 1965 and RCW 43.79.280 are each amended to read as follows:

If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing ~~((him to make))~~ the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the legislative budget committee and also to the standing committee on ways and means of the house and senate of all executive approvals of proposals to expend money in excess of appropriations provided by law.

NEW SECTION. Sec. 4. No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of this act.

NEW SECTION. Sec. 5. Section 43.79.250, chapter 8, Laws of 1965 and RCW 43.79.250 are each hereby repealed.

Passed the Senate March 2, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

 CHAPTER 145
 [Engrossed Senate Bill No. 2187]
 LIE DETECTOR TESTS--
 PROHIBITED USES

AN ACT Relating to lie detector tests; and amending section 1, chapter 152, Laws of 1965 and RCW 49.44.120.

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

Section 1. Section 1, chapter 152, Laws of 1965 and RCW 49.44.120 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or the state of Washington, its political subdivisions or municipal corporations to require any employee or prospective employee to take or be subjected to any lie detector or similar tests as a condition of employment or continued employment (~~(1) PROVIDED, That this section shall not apply to (1) persons in the field of public law enforcement; or (2) persons who dispense narcotics or dangerous drugs; or (3) persons in sensitive positions directly involving national security~~); PROVIDED, That this section shall not apply to persons making initial application for employment with any law enforcement agency; PROVIDED FURTHER, That this section shall not apply to either the initial application for employment or continued employment of persons who dispense controlled substances as defined in chapter 69.50 RCW, or to persons in sensitive positions directly involving national security, or to persons in the field of public law enforcement who are seeking promotion to a rank of captain or higher.

Passed the Senate February 13, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 146

[Senate Bill No. 2258]

MUTUAL CORPORATIONS--ANNUAL REPORT--FILING DATE--
CONTENT REQUIREMENTS

AN ACT Relating to corporate filing; and amending section 89, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.445.

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

Section 1. Section 89, chapter 120, Laws of 1969 ex. sess. and RCW 24.06.445 are each amended to read as follows:

An annual report of each domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of ~~((May))~~ March of each year: PROVIDED, That the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Deposit in the United States mails, in a sealed envelope, properly addressed to the secretary of state, with postage prepaid thereon, prior to the first day of March, shall be deemed compliance with this requirement.

If the secretary of state finds that a report substantially conforms to the requirements of this chapter, he shall file the same. ~~((If he finds that it does not so conform, he shall promptly return the same to the corporation for necessary corrections; in which event the penalties prescribed for failure to file such report within the time required shall not apply if such report is corrected to conform to the requirements of this chapter and returned to the secretary of state in sufficient time to be filed prior to the first day of April of the year in which it is due))~~

Passed the Senate February 18, 1973.

Passed the House March 6, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 147

[Engrossed Senate Bill No. 2327]

WORKMEN'S COMPENSATION--
BENEFITS INCREASED

AN ACT Relating to workmen's compensation; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 20, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.060;

amending section 51.32.070, chapter 23, Laws of 1961 as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070; and declaring an emergency.

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

Section 1. Section 51.32.060, chapter 23, Laws of 1961 as last amended by section 20, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.060 are each amended to read as follows:

When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If married at the time of injury, sixty-five percent of his wages but not less than two hundred fifteen dollars per month.

(2) If married with one child at the time of injury, sixty-seven percent of his wages but not less than two hundred fifty-two dollars per month.

(3) If married with two children at the time of injury, sixty-nine percent of his wages but not less than two hundred eighty-three dollars.

(4) If married with three children at the time of injury, seventy-one percent of his wages but not less than three hundred six dollars per month.

(5) If married with four children at the time of injury, seventy-three percent of his wages but not less than three hundred twenty-nine dollars per month.

(6) If married with five or more children at the time of injury, seventy-five percent of his wages but not less than three hundred fifty-two dollars per month.

(7) If unmarried at the time of the injury, sixty percent of his wages but not less than one hundred eighty-five dollars per month.

(8) If unmarried with one child at the time of injury, sixty-two percent of his wages but not less than two hundred twenty-two dollars per month.

(9) If unmarried with two children at the time of injury, sixty-four percent of his wages but not less than two hundred fifty-three dollars per month.

(10) If unmarried with three children at the time of injury, sixty-six percent of his wages but not less than two hundred seventy-six dollars per month.

(11) If unmarried with four children at the time of injury, sixty-eight percent of his wages but not less than two hundred ninety-nine dollars per month.

(12) If unmarried with five or more children at the time of injury, seventy percent of his wages but not less than three hundred twenty-two dollars per month.

(13) For any period of time where both husband and wife are entitled to compensation as temporarily or totally disabled workmen, only that spouse having the higher wages of the two shall be entitled to claim their child or children for compensation purposes.

(14) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, the monthly payment by the department to such ~~((workman))~~ attendant for such services shall be ~~((increased by))~~ an amount ~~((equal to))~~ not to exceed forty percent of the average monthly wage in the state as computed in RCW 51.08.018 per month as long as such requirement continues, but such ~~((increases))~~ payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(15) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

(16) In no event shall the monthly payments provided in this section exceed seventy-five percent of the average monthly wage in the state as computed under the provisions of RCW 51.08.018, except that this limitation shall not apply to the payments provided for in subsection 14 of this section.

Sec. 2. Section 51.32.070, chapter 23, Laws of 1961 as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provision of law, every ~~((widow or invalid widower))~~ surviving spouse receiving a pension under this title ~~((shall, after July 1, 1974, be paid one hundred eighty-five dollars per month,))~~ and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title, pursuant to compensation schedules in effect prior to July 1, 1971, shall, after ~~((such date))~~ the effective date of this 1973 amendatory act, be paid ~~((one hundred eighty-five dollars))~~ fifty percent of the average monthly wage of the state as computed under RCW 51.08.018 per month, ~~((and one hundred fifteen dollars per month additional in cases requiring the services of an attendant; if unmarried at the time his injury occurred; two hundred fifteen dollars per month; and one hundred fifteen dollars per month additional in cases requiring the services of an attendant; if he or she has a wife or invalid husband; and one hundred seventy-five dollars))~~ and an amount equal to five percent of such average monthly wage per month ~~((, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant; if the husband is not an invalid and the~~

husband and wife are living together as such) if married, and an additional two percent of such average monthly wage for each child.

If the character of the injury is such as to render the workman so physically helpless as to require the hiring of the services of an attendant, the monthly payment by the department to such attendant for such services shall not exceed forty percent of the average monthly wage in the state as computed pursuant to RCW 51.08.018 per month as long as such requirement continues but such payments shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40 RCW: PROVIDED, That such payments shall not be considered compensation nor shall they be subject to any limitation upon total compensation payments.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such ((widow, invalid widower,)) surviving spouse and totally disabled workman from the supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving((, exclusive of amounts received for children or dependents or attendants)), equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

NEW SECTION. Sec. 3. This 1973 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 March 6, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 148

[House Bill No. 48]

PROBATE--DISCLAIMER OF INTEREST--WILLS,
TRUST, INTESTACY

AN ACT Relating to interests passing by will, trust instrument, intestate succession or under powers of appointment; and

adding new sections to chapter 145, Laws of 1965 and to Title 11 RCW as a new chapter.

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

NEW SECTION. Section 1. There is added to chapter 145, Laws of 1945 and to Title 11 RCW a new chapter to read as set forth in sections 2 through 10 of this act.

NEW SECTION. Sec. 2. As used in this section, unless otherwise clearly required by the context:

(1) "Beneficiary" means and includes any person entitled, but for his disclaimer, to take an interest: By intestate succession, devise, legacy, or bequest; by succession to a disclaimed interest by will, trust instrument, intestate succession, or through the exercise or nonexercise of a testamentary or other power of appointment; by virtue of a renunciation and election to take against a will; as beneficiary of a testamentary or other written trust; pursuant to the exercise or nonexercise of a testamentary or other power of appointment; as donee of a power of appointment created by testamentary or trust instrument; or otherwise under a testamentary or trust instrument or community property agreement; or by right of survivorship.

(2) "Interest" means and includes the whole of any property, real or personal, legal or equitable, or any fractional part, share or particular portion or specific assets thereof, or any estate in any such property, or power to appoint, consume, apply or expend property or any other right, power, privilege or immunity relating thereto.

(3) "Disclaimer" means a written instrument which declines, refuses, releases, renounces or disclaims an interest which would otherwise be succeeded to by a beneficiary, which instrument defines the nature and extent of the interest disclaimed thereby and which must be signed, witnessed and acknowledged by the disclaimant in the manner provided for deeds of real estate, and also a written instrument which exercises a power to invade the corpus or principal of an estate or trust when such exercise has the effect of terminating an interest which could otherwise be succeeded to by a beneficiary.

NEW SECTION. Sec. 3. A beneficiary may disclaim any interest in whole or in part, or with reference to specific parts, shares or assets thereof, by filing a disclaimer in court in the manner provided in sections 4 and 5 of this act. A guardian, executor, administrator or other personal representative of the estate of a minor, incompetent or deceased beneficiary, if he deems it in the best interests of those interested in the estate of such beneficiary and of those who take the beneficiary's interest by virtue of the disclaimer and not detrimental to the best interests of the

beneficiary, with or without an order of the probate court, may execute and file a disclaimer on behalf of the beneficiary within the time and in the manner in which the beneficiary himself could disclaim if he were living, of legal age and competent. A beneficiary likewise may execute and file a disclaimer by agent or attorney so empowered.

NEW SECTION. Sec. 4. Such disclaimer shall be filed at any time after the creation of the interest, but in all events within the later of six months from the effective date of this act or six months after the death of the person by whom the interest was created or from whom it is or, but for the disclaimer would be received, or, if the disclaimant is not finally ascertained as a beneficiary or his interest has not become indefeasibly fixed both in quality and quantity as of the death of such person, then such disclaimer shall be filed not later than six months after the event which causes or, but for the disclaimer, would cause him so to become finally ascertained and his interest to become indefeasibly fixed both in quality and quantity.

NEW SECTION. Sec. 5. Such disclaimer shall be effective upon being filed with the clerk of the court of which the estate of the person by whom the interest was created or from whom it would have been received is, or has been, administered or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of the estate of such person, where it shall be indexed under the name of the decedent in the probate index upon payment of a fee of two dollars. A copy of the disclaimer shall be delivered or mailed by certified or registered mail, return receipt requested to the representative, trustee or other person having legal title to, or possession of, the property in which the interest disclaimed exists, and no such representative, trustee or person shall be liable for any otherwise proper distribution or other disposition made without actual knowledge of the disclaimer, or in reliance upon the disclaimer and without actual knowledge that said disclaimer is barred as provided in section 7 of this act. If an interest in or relating to real estate is disclaimed, the original of the disclaimer, or a copy of the disclaimer certified as true and complete by the clerk of the court wherein the same has been filed, shall be recorded in the office of the auditor in the county or counties where the real estate is situated and shall constitute notice to all persons only from and after the time of such recording.

NEW SECTION. Sec. 6. Unless the person by whom the interest was created or from whom it would have been received has otherwise provided by will or other appropriate instrument with reference to the possibility of a disclaimer by the beneficiary, the interest

disclaimed shall descend, be distributed or otherwise be disposed of in the same manner as if the disclaimant had died immediately preceding the death or other event which causes him to become finally ascertained as a beneficiary and his interest to become indefeasibly fixed both in quality and quantity and in any case, the disclaimer shall relate for all purposes to such date, whether filed before or after such death or other event. However, one disclaiming an interest in a nonresiduary gift, devise or bequest shall not be excluded, unless his disclaimer so provides, from sharing in a gift, devise or bequest of the residue even though, through lapse, such residue includes the assets disclaimed. An interest of any nature in or to the estate of an intestate may be declined, refused or disclaimed as herein provided without ever vesting in the disclaimant.

NEW SECTION. Sec. 7. The right to disclaim otherwise conferred by this act shall be barred if the beneficiary is insolvent at the time of the event giving rise to the commencement of the six months period within which the disclaimer must be filed. Any voluntary assignment or transfer of, or contract to assign or transfer, an interest in real or personal property, or written waiver of the right to disclaim the succession to an interest in real or personal property, by any beneficiary, or any sale or other disposition of an interest in real or personal property pursuant to judicial process, made before he has filed a disclaimer, as provided in section 5 of this act, bars the right otherwise conferred on such beneficiary to disclaim as to such interest.

NEW SECTION. Sec. 8. The right to disclaim granted by section 3 of this act exists regardless of any limitation imposed on the interest of the disclaimant in the nature of an express or implied spendthrift provision or similar restriction. A disclaimer, when filed as provided in section 5 of this act, or a written waiver of the right to disclaim, shall be binding upon the disclaimant or beneficiary so waiving and all parties thereafter claiming by, through or under him, except that a beneficiary so waiving may thereafter transfer, assign or release his interest if such is not prohibited by an express or implied spendthrift provision.

NEW SECTION. Sec. 9. This act shall not abridge the right of any person, apart from this act, under any existing or future statute or rule of law, to disclaim any interest or to assign, convey, release, renounce or otherwise dispose of any interest.

NEW SECTION. Sec. 10. Any interest which exists on the effective date of this act but which has not then become indefeasibly fixed both in quality and quantity, or the taker of which has not then become finally ascertained, may be disclaimed after the effective date of this act in the manner provided in sections 4 and 5

of this act.

Passed the House March 3, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 149

[House Bill No. 54]

PROPERTY TAXES--VEHICLE, AIRCRAFT
PARTS--EXEMPTION

AN ACT Relating to revenue and taxation; amending section 1, chapter 124, Laws of 1969 ex. sess. and RCW 84.36.300; and adding a new section to chapter 84.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 84.36 RCW a new section to read as follows:

The legislature hereby finds and declares that to promote the policy of a free and uninhibited flow of commerce as established by federal constitutional and legislative dictate, it is desirable to exempt from property taxation, according to the provisions of section 2 of this 1973 amendatory act, certain parts and equipment coming into the state of Washington to be placed in vehicles which are then transferred to the possession of out-of-state owners. The legislature further recognizes that the temporary existence of these parts and equipment within the state justifies a tax exempt status which serves to encourage the manufacture and assemblage of vehicles within the state thereby promoting increased economic activity and jobs for our residents.

Sec. 2. Section 1, chapter 124, Laws of 1969 ex. sess. and RCW 84.36.300 are each amended to read as follows:

There shall be exempt from taxation a portion of each separately assessed stock of merchandise, as that word is defined in this section, owned or held by any taxpayer on the first day of January of any year computed by first multiplying the total amount of that stock of such merchandise, as determined in accordance with RCW 84.40.020, by a percentage determined by dividing the amount of such merchandise brought into this state by the taxpayer during the preceding year for that stock by the total additions to that stock by the taxpayer during that year, and then multiplying the result of the latter computation by a percentage determined by dividing the total out-of-state shipments of such merchandise by the taxpayer during the preceding year from that stock (and regardless of whether or not any

such shipments involved a sale of, or a transfer of title to, the merchandise within this state) by the total shipments of such merchandise by the taxpayer during the preceding year from that stock. As used in this section, the word "merchandise" means goods, wares, merchandise or material which were not manufactured in this state by the taxpayer and which were acquired by him (in any other manner whatsoever, including manufacture by him outside of this state) for the purpose of sale or shipment in substantially the same form in which they were acquired by him within this state or were brought into this state by him. Breaking of packages or of bulk shipments, packaging, repackaging, labeling or relabeling shall not be considered as a change in form within the meaning of this section. A taxpayer who has made no shipments of merchandise, either out-of-state or in-state, during the preceding year, may compute the percentage to be applied to the stock of merchandise on the basis of his experience from March 1 of the preceding year to the last day of February of the current year, in lieu of computing the percentage on the basis of his experience during the preceding year. The rule of strict construction shall not apply to this section.

All rights, title or interest in or to any aircraft parts, equipment, furnishings, or accessories (but not engines or major structural components) which are manufactured outside of the state of Washington and are owned by purchasers of the aircraft constructed, under construction or to be constructed in the state of Washington, and are shipped into the state of Washington for installation in or use in connection with the operation of such aircraft shall be exempt from taxation prior to and during construction of such aircraft and while held in this state for periods preliminary to and during the transportation of such aircraft from the state of Washington.

Passed the House February 16, 1973.

Passed the Senate March 8, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 150

[House Bill No. 60]

IRRIGATION DISTRICTS--SURPLUS REAL PROPERTY--
DISPOSAL AUTHORITY

AN ACT Relating to irrigation districts; and amending section 2, chapter 125, Laws of 1971 ex.sess. and RCW 87.03.820; and adding a new section to chapter 58.17 RCW.

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

Section 1. Section 2, chapter 125, Laws of 1971 ex.sess. and RCW 87.03.820 are each amended to read as follows:

Whenever as the result of abandonment of an irrigation district right of way real property held by an irrigation district is to be sold or otherwise disposed of, notice shall be given to the owners of lands adjoining that real property and such owners shall have a ~~((preference))~~ right of first refusal to ~~((the))~~ purchase ~~((of))~~ at the appraised price all or any part of the real property to be sold or otherwise disposed of which adjoins or is adjacent to their land.

Real property to be sold or otherwise disposed of under this section shall have been first appraised by the county assessor or by a person designated by him.

Notice under this section shall be sufficient if sent by registered mail to the owner, and at the address, as shown in the tax records of the county in which the land is situated. Notice under this section shall be in addition to any other notice required by law.

After sixty days from the date of sending of notice, if no applications for purchase have been received by the irrigation district or other person or entity sending notice, the ~~((preference))~~ rights of first refusal of owners of adjoining lands shall be deemed to have been waived, and the real property may be sold or otherwise disposed of.

If two or more owners of adjoining lands apply to purchase the same real property, or apply to purchase overlapping parts of the real property, the respective rights of the applicants may be determined in the superior court of the county in which the real property is situated; and the court may divide the real property in question between some or all of the applicants or award the whole to one applicant, as justice may require.

Any sale or other disposal of real property pursuant to chapters 87.52, 87.53, and 87.56 RCW shall be made in accordance with the requirements of this section.

NEW SECTION. Sec. 2. There is added to chapter 58.17 RCW a new section to read as follows:

In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right of way for each parcel of land in such district and such rights of way shall be evidenced by the respective plats submitted for final approval to the

appropriate legislative authority. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state.

Passed the House March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 151

[House Bill No. 652]

INSURANCE COMPANIES--INVESTMENT
REQUIREMENTS

AN ACT Relating to insurance; amending section .12.18, chapter 79, Laws of 1947 and RCW 48.12.180; amending section .13.01, chapter 79, Laws of 1947 and RCW 48.13.010; amending section .13.16, chapter 79, Laws of 1947 as last amended by section 7, chapter 241, Laws of 1969 ex. sess. and RCW 48.13.160; amending section .13.22, chapter 79, Laws of 1947 as amended by section 18, chapter 190, Laws of 1949 and RCW 48.13.220; and amending section .13.29 chapter 79, Laws of 1947 and RCW 48.13.290.

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

Section 1. Section .12.18, chapter 79, Laws of 1947 and RCW 48.12.180 are each amended to read as follows:

(1) Securities, other than those referred to in RCW 48.12.170, held by an insurer shall be valued, in the discretion of the commissioner, at their market value, or at their appraised value, or at prices determined by him as representing their fair market value, all consistent with any current method for the valuation of any such security formulated or approved by the National Association of Insurance Commissioners.

(2) Preferred or guaranteed stocks or shares while paying full dividends may be carried at a fixed value in lieu of market value, at the discretion of the commissioner and in accordance with such method of computation as he may approve.

(3) The stock of a subsidiary of an insurer shall be valued on the basis of the ((value of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer)) greater of (a) the value

of only such of the assets of such subsidiary as would constitute lawful investments for the insurer if acquired or held directly by the insurer or (b) such other value determined pursuant to rules and cumulative limitations which shall be promulgated by the commissioner to effectuate the purposes of this chapter.

Sec. 2. Section .13.01, chapter 79, Laws of 1947 and RCW 48.13.010 are each amended to read as follows:

(1) (~~Domestic insurers shall invest in or loan their funds on the security of, and shall hold as assets, only eligible investments~~) Investments of domestic insurers shall be eligible to be held as assets only as prescribed in this chapter.

(2) Any particular investment of a domestic insurer held by it on the effective date of this code and which was a legal investment immediately prior thereto, shall be deemed a legal investment hereunder.

(3) The eligibility of an investment shall be determined as of the date of its making or acquisition.

(4) Except as to RCW 48.13.360, this chapter applies only to domestic insurers.

Sec. 3. Section .13.16, chapter 79, Laws of 1947 as last amended by section 7, chapter 241, Laws of 1969 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, and a domestic property and casualty insurer with assets of at least seventy-five million dollars and at least thirty million dollars in capital and surplus, or, if a mutual or reciprocal property or casualty insurer, at least thirty million dollars in 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 next preceding, 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. 4. Section .13.22, chapter 79, Laws of 1947 as amended by section 18, chapter 190, Laws of 1949 and RCW 48.13.220 are each amended to read as follows:

(1) After satisfying the requirements of RCW 48.13.260, an insurer may invest any of its funds in common shares of stock in solvent United States corporations that qualify as a sound investment; except, that as to life insurers such investments shall

further not aggregate an amount in excess of fifty percent of the insurer's surplus over its minimum required surplus.

(2) The insurer shall not invest in or loan upon the security of more than ten percent of the outstanding common shares of any one such corporation, subject further to ((amount invested as limited by)) the aggregate investment limitation of RCW 48.13.030. ((This limitation shall not apply to investment in the securities of any subsidiary corporation of the insurer which is engaged exclusively in a kind of business properly incidental to the insurance business of the insurer.))

(3) The limitations of subsection (2) of this section shall not apply to investment in the securities of any subsidiary corporations of the insurer which are engaged or organized to engage exclusively in one or more of the following businesses:

(a) Acting as an insurance agent for its parent or for any of its parent's insurer subsidiaries or affiliates;

(b) Investing, reinvesting, or trading in securities or acting as a securities broker or dealer for its own account, that of its parent, any subsidiary of its parent, or any affiliate or subsidiary;

(c) Rendering management, sales, or other related services to any investment company subject to the Federal Investment Company Act of 1940, as amended;

(d) Rendering investment advice;

(e) Rendering services related to the functions involved in the operation of an insurance business including, but not limited to, actuarial, loss prevention, safety engineering, data processing, accounting, claims appraisal, and collection services;

(f) Acting as administrator of employee welfare benefit and pension plans for governments, government agencies, corporations, or other organizations or groups;

(g) Ownership and management of assets which the parent could itself own and manage: PROVIDED, That the aggregate investment by the insurer and its subsidiaries acquired pursuant to this paragraph shall not exceed the limitations otherwise applicable to such investments by the parent;

(h) Acting as administrative agent for a government instrumentality which is performing an insurance function or is responsible for a health or welfare program;

(i) Financing of insurance premiums;

(j) Any other business activity reasonably ancillary to an insurance business;

(k) Owning a corporation or corporations engaged or organized to engage exclusively in either, or both (i) owning an insurer or insurers to the extent permitted by this chapter, or (ii) one or more of the businesses specified in paragraph (a) through (k) of this

subsection inclusive.

(4) No acquisition of a majority of the total outstanding common shares of any corporation shall be made pursuant to this section unless a notice of intention of such proposed acquisition shall have been filed with the commissioner not less than ninety days, or such shorter period as may be permitted by the commissioner, in advance of such proposed acquisition, nor shall any such acquisition be made if the commissioner at any time prior to the expiration of the notice period finds that the proposed acquisition is contrary to law, or determines that such proposed acquisition would be contrary to the best interests of the parent insurer's policyholders or of the people of this state. The following shall be the only factors to be considered in making the foregoing determination:

(a) The availability of the funds or assets required for such acquisition;

(b) The fairness of any exchange of stock, assets, cash, or other consideration for the stock or assets to be received;

(c) The impact of the new operation on the parent insurer's surplus and existing insurance business and the risks inherent in the parent insurer's investment portfolio and operations;

(d) The fairness and adequacy of the financing proposed for the subsidiary;

(e) The likelihood of undue concentration of economic power;

(f) Whether the effect of the acquisition may be substantially to lessen competition in any line of commerce in insurance or to tend to create a monopoly therein; and

(g) Whether the acquisition might result in an excessive proliferation of subsidiaries which would tend to unduly dilute management effectiveness or weaken financial strength or otherwise be contrary to the best interests of the parent insurer's policyholders or of the people of this state. At any time after an acquisition, the commissioner may order its disposition if he finds, after notice and hearing, that its continued retention is hazardous or prejudicial to the interests of the parent insurer's policyholders. The contents of each notice of intention of a proposed acquisition filed hereunder and information pertaining thereto shall be kept confidential, shall not be subject to subpoena, and shall not be made public unless after notice and hearing the commissioner determines that the interests of policyholders, stockholders, or the public will be served by the publication thereof.

(5) A domestic insurance company may, provided that it maintains books and records which separately account for such business, engage directly in any business referred to in paragraphs (d), (e), (h), and (j) of subsection (3) of this section either to

the extent necessarily or properly incidental to the insurance business the insurer is authorized to do in this state or to the extent approved by the commissioner and subject to any limitations he may prescribe for the protection of the interests of the policyholders of the insurer after taking into account the effect of such business on the insurer's existing insurance business and its surplus, the proposed allocation of the estimated cost of such business, and the risks inherent in such business as well as the relative advantages to the insurer and its policyholders of conducting such business directly instead of through a subsidiary.

Sec. 5. Section .13.29, chapter 79, Laws of 1947 and RCW 48.13.290 are each amended to read as follows:

(1) Any ineligible personal property or securities (~~lawfully~~) acquired by an insurer (~~which it could not otherwise have invested in or loaned its funds upon at the time of such acquisition, shall be disposed of by the insurer within one year from date of acquisition, unless within such period the security has attained to the standard for eligibility. The commissioner, upon application and proof that forced sale of any such property or security would be against the best interests of the insurer, may extend the disposal period for an additional reasonable time~~) may be required to be disposed of within the time not less than six months specified by order of the commissioner, unless before that time it attains the standard of eligibility, if retention of such property or securities would be contrary to the policyholders or public interest in that it tends to substantially lessen competition in the insurance business or threatens impairment of the financial condition of the insurer.

(2) (~~While any such property or security remains so ineligible it shall not be allowed as an asset of the insurer.~~) Any prohibited personal property or securities acquired by an insurer shall be disposed of forthwith or within any period specified by order of the commissioner.

(3) (~~Any ineligible property or security unlawfully acquired by an insurer shall be disposed of forthwith, and for failure so to do within thirty days after order of the commissioner requiring such disposal, the commissioner may revoke or suspend the insurer's certificate of authority.~~) Any property or securities ineligible only because of being excess of the amount permitted under this chapter to be invested in the category to which it belongs shall be ineligible only to the extent of such excess.

(~~4~~) For the purposes of subsection {3} of this section, an investment otherwise eligible shall not be deemed ineligible for the reason that it is in excess of the amount permitted under this chapter to be invested in the category of investments to which it

belongs; and any such excess investment shall be disposed of within the time prescribed in subsection (4) of this section.)

Passed the House March 3, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 152

[Engrossed Senate Bill No. 2008]

PUBLIC ASSISTANCE--ADDRESS--

DISCLOSURE

AN ACT Relating to public assistance; amending section 74.04.060, chapter 26, Laws of 1959 and RCW 74.04.060; and adding a new section to chapter 74.04 RCW.

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

Section 1. Section 74.04.060, chapter 26, Laws of 1959 and RCW 74.04.060 are each amended to read as follows:

For the protection of applicants and recipients, the department and the county offices and their respective officers and employees are prohibited, except as hereinafter provided, from disclosing the contents of any records, files, papers and communications, except for purposes directly connected with the administration of the programs of this title. In any judicial proceeding, except such proceeding as is directly concerned with the administration of these programs, such records, files, papers and communications, and their contents, shall be deemed privileged communications and except for the right of any individual to inquire of the office whether a named individual is a recipient of welfare assistance and such person shall be entitled to an affirmative or negative answer. However, upon written request of a parent who has been awarded visitation rights in an action for divorce or separation, the department shall disclose to him or her the current address and location of his or her natural or adopted children. Information supplied to a parent by the department shall be used only for purposes directly related to the visitation provisions of the court order of separation or decree of divorce. No parent shall disclose such information to any other person except for the purpose of enforcing visitation provisions of the said order or decree.

The county offices shall maintain monthly at their offices a report showing the names and addresses of all recipients in the county receiving public assistance under this title, together with the amount paid to each during the preceding month.

The provisions of this section shall not apply to duly designated representatives of approved private welfare agencies, public officials, members of legislative interim committees and advisory committees when performing duties directly connected with the administration of this title, such as regulation and investigation directly connected therewith: PROVIDED, HOWEVER, That any information so obtained by such persons or groups shall be treated with such degree of confidentiality as is required by the federal social security law.

It shall be unlawful, except as provided in this section, for any person, body, association, firm, corporation or other agency to solicit, publish, disclose, receive, make use of, or to authorize, knowingly permit, participate in or acquiesce in the use of any lists or names for commercial or political purposes of any nature. The violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 2. There is added to chapter 74.04 RCW a new section to read as follows:

Upon written request of a person who has been properly identified as an officer of the law with a felony arrest warrant or a properly identified United States Immigration official with a warrant for an illegal alien the department shall disclose to such officer the current address and location of the person properly described in the warrant.

NEW SECTION. Sec. 3. If any provision of this 1973 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 February 13, 1973.

Passed the House March 6, 1973.

Approved by the Governor March 20, 1973.

Filed in Office of Secretary of State March 20, 1973.

CHAPTER 153

[House Bill No. 34]

VOTER REGISTRATION--VOTER CARDS

AN ACT Relating to registration of voters; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; adding a new section to chapter 9, Laws of 1965 and RCW 29.07; and repealing section 29.07.040, chapter 9, Laws of 1965 as amended by section 6, chapter 202, Laws of 1971, 1st ex. sess. and RCW 29.07.040.

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

Section 1. Section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010 are each amended to read as follows:

In all counties the county auditor shall be the chief registrar of voters for every precinct within the county. He shall appoint a deputy registrar for each precinct or for any number of precincts and shall appoint city or town clerks as deputy registrars to assist in registering voters residing in cities, towns, and rural precincts within the county. In addition, he shall appoint the precinct committeemen elected or appointed pursuant to the provisions of RCW 29.42.050 as deputy registrars to assist in registering voters.

A deputy registrar shall be a registered voter and, except for city and town clerks and precinct committeemen, shall hold office at the pleasure of the county auditor.

The county auditor shall be the custodian of the official registration records of each precinct within that county. The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030.

NEW SECTION. Sec. 2. There is added to chapter 9, Laws of 1965 and RCW 29.07 a new section to read as follows:

The county auditor shall acknowledge each new voter registration by sending to the voter, by first class non-forwardable mail, a card identifying his current precinct and containing such other information as may be prescribed by the secretary of state.

NEW SECTION. Sec. 3. Section 29.07.040, chapter 9, Laws of 1965 as amended by section 6, chapter 202, Laws of 1971, 1st ex. sess. and RCW 29.07.040 are each repealed.

Passed the House March 7, 1973.

Passed the Senate March 7, 1973.

Approved by the Governor March 20, 1973, with the exception of

Section one and Section three which are vetoed.

Filed in Office of Secretary of State March 20, 1973.

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

"I am returning herewith without my approval as to certain sections House Bill No. 34 entitled:

"AN ACT Relating to registration of voters."

This bill, in section one, would require that all precinct committeemen be appointed deputy registrars for the purpose of registering voters. The mandatory nature of

Veto
Message

the language means that each precinct would automatically have two registrars. Additionally, there is no limitation restricting such appointees to their own precinct, as a consequence of which precinct committeemen could register a person anywhere in the county. This very large number of deputy registrars, circulating any place in a county, could create administrative chaos for county auditors. The very large number of deputy registrars could easily cause numerous late filings of registrations and create other erroneous registrations, the only result of which would be to disenfranchise the voter.

Veto
Message

In 1965 the Legislature passed House Bill No. 378, which required the appointment of permanent registration officers in each legislative district of each first-class city who would specifically represent each major political party. At that time I indicated that the intrusion of partisan politics into voter registration programs and the administrative burden of the additional registrars was sufficient reason to disapprove the measure.

Section three of this bill repeals the statute allowing and providing for compensation of deputy registrars. For the reasons cited above, I have determined to veto section one, and inasmuch as section three is directly related to section one, I have determined to veto that also.

With the exception of sections one and three, I have approved the remainder of House Bill No. 34."

CHAPTER 154

[House Bill No. 489]

PUBLIC EMPLOYMENT--MANDATORY UNION MEMBERSHIP--
EMPLOYEES' ELECTION

AN ACT Relating to public employment; amending section 15, chapter 1, Laws of 1961 as last amended by section 2, chapter 19, Laws of 1971 ex. sess. and RCW 41.06.150; and amending section 10, chapter 36, Laws of 1969 ex. sess. as amended by section 1, chapter 19, Laws of 1971 ex. sess. and RCW 28B.16.100.

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

Section 1. Section 15, chapter 1, Laws of 1961 as last

amended by section 2, chapter 19, Laws of 1971 ex. sess. and RCW 41.06.150 are each amended to read as follows:

The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority of those voting whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority of those voting in such election wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the

program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable

discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 2. Section 10, chapter 36, Laws of 1969 ex. sess. as amended by section 1, chapter 19, Laws of 1971 ex. sess. and RCW 28B.16.100 are each amended to read as follows:

(1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority of those voting whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority of those voting in such election wish to rescind such condition of employment: PROVIDED FURTHER, That for

purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes, with recognition of preference in

regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and noncompetitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions within the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

Passed the House March 3, 1973.

Passed the Senate February 27, 1973.

Approved by the Governor March 20, 1973, with the exception of a certain item in Section 1 and Section 2 which are vetoed.

Filed in Office of Secretary of State March 20, 1973.

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

"I am returning herewith, without my approval as to certain items, House Bill No. 489 entitled:

"AN ACT Relating to public employment."

This bill amends the state civil service law and the state higher education personnel law to provide that upon the request of a certified bargaining unit representative, the director of personnel will hold an election to determine if a majority of persons within the bargaining unit, who vote at such elections, desire to require membership in the certified exclusive bargaining organization, as a condition of employment. If the vote is in favor of requiring such membership, all members of the bargaining unit must join within 30 days. Further elections to remove the membership requirement may be held no more than once a year and upon petition of thirty percent of the membership of the bargaining unit.

It is not normally appropriate to allow a person to in effect cast a negative vote on an issue by failing to vote at all. However, in this case, the question of whether or not an individual bargaining unit shall adopt a mandatory membership requirement is of such critical importance that it should be clear that a majority of the membership of that bargaining unit is in favor of such action before it occurs. Accordingly, I have determined to veto those items, as they appear in sections one and two, which allow less than a majority of the total membership of a bargaining unit to adopt mandatory membership requirements as a condition of employment.

With the exception of those items, I have approved the remainder of House Bill No. 489.

CHAPTER 155

[House Bill No. 594]

DEPARTMENT OF ECOLOGY--WATER POLLUTION CONTROL--
WASTE DISCHARGE PERMIT SYSTEM

AN ACT Relating to water pollution control; amending section 1, chapter 216, Laws of 1945 and RCW 90.48.010; amending section 18, chapter 216, Laws of 1945 as amended by section 11,

chapter 13, Laws of 1967 and RCW 90.48.120; amending section 1, chapter 71, Laws of 1955 as amended by section 13, chapter 13, Laws of 1967 and RCW 90.48.160; amending section 24, chapter 13, Laws of 1967 and RCW 90.48.260; amending section 20, chapter 216, Laws of 1945 and RCW 90.48.140; amending section 14, chapter 139, Laws of 1967, ex. sess., as amended by section 13, chapter 88, Laws of 1970, 1st ex. sess., and RCW 90.48.144; adding new sections to chapter 90.48 RCW; repealing section 13, chapter 216, Laws of 1945 and RCW 90.48.070; prescribing civil and criminal penalties; and declaring an emergency.

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

Section 1. Section 1, chapter 216, Laws of 1945 and RCW 90.48.010 are each amended to read as follows:

It is declared to be the public policy of the state of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the state of Washington. Consistent with this policy, the state of Washington will exercise its powers, as fully and as effectively as possible, to retain and secure high quality for all waters of the state. The state of Washington in recognition of the federal government's interest in the quality of the navigable waters of the United States, of which certain portions thereof are within the jurisdictional limits of this state, proclaims a public policy of working cooperatively with the federal government in a joint effort to extinguish the sources of water quality degradation, while at the same time preserving and vigorously exercising state powers to insure that present and future standards of water quality within the state shall be determined by the citizenry, through and by the efforts of state government, of the state of Washington.

Sec. 2. Section 18, chapter 216, Laws of 1945 as amended by section 11, chapter 13, Laws of 1967 and RCW 90.48.120 are each amended to read as follows:

(1) Whenever, in the opinion of the ((commission)) department, any person shall violate or is about to violate the provisions of this chapter, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the ((commission)) department shall notify such person of its determination by registered mail. Such determination shall not constitute an order or directive under RCW 90.48.135. Within thirty

days from the receipt of notice of such determination, such person shall file with the ~~((commission))~~ department a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the ~~((commission))~~ department. Whereupon the ~~((commission))~~ department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

(2) Whenever the department deems immediate action is necessary to accomplish the purposes of chapter 90.48 RCW, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed.

Sec. 3. Section 1, chapter 71, Laws of 1955 as amended by section 13, chapter 13, Laws of 1967 and RCW 90.48.160 are each amended to read as follows:

Any person who conducts a commercial or industrial operation of any type which results in the disposal of solid or liquid waste material into the waters of the state, including commercial or industrial operators discharging solid or liquid waste material into sewerage systems operated by municipalities or public entities which discharge into public waters of the state, shall procure a permit from either the ~~((pollution control commission))~~ department or the thermal power plant site evaluation council as provided in section 5 (2) of this act before disposing of such waste material: PROVIDED, That this section shall not apply to any person discharging domestic sewage only into a sewerage system.

The department may, through the adoption of rules, eliminate the permit requirements for disposing of wastes into publicly operated sewerage systems for:

(1) Categories of or individual municipalities or public corporations operating sewerage systems; or

(2) Any category of waste disposer;
if the department determines such permit requirements are no longer necessary for the effective implementation of this chapter.

Sec. 4. Section 24, chapter 13, Laws of 1967 and RCW 90.48.260 are each amended to read as follows:

The ~~((commission))~~ department of ecology is hereby designated as the State Water Pollution Control Agency for all purposes of the Federal Water Pollution Control Act as it now exists ~~((or shall hereafter be amended))~~ and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that

act. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of section 5(2) of this 1973 amendatory act. Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the Federal Water Pollution Control Act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him by the Federal Water Pollution Control Act.

NEW SECTION. Sec. 5. There is added to chapter 90.48 RCW a new section to read as follows:

(1) The powers established under section 4 of this 1973 amendatory act shall be implemented by the department through the adoption of rules in every appropriate situation. The permit program authorized under section 4 (1) of this 1973 amendatory act shall constitute a continuation of the established permit program of RCW 90.48.160 and other applicable sections within chapter 90.48 RCW.

The appropriate modifications as authorized in this 1973 amendatory act are designed to avoid duplication and other wasteful practices and to insure that the state permit program contains all required elements of and is compatible with the requirements of any national permit system.

(2) Permits for thermal power plants subject to chapter 80.50 RCW shall be issued by the thermal power plant site evaluation council: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to said chapter. The council shall have all powers necessary to establish and administer a point source discharge permit program pertaining to such plants, consistent with applicable receiving water quality standards established by the department, and to qualify for full participation in any national waste discharge or pollution discharge elimination permit system. The council and the department shall each adopt, by rules, procedures which will provide maximum coordination and avoid duplication between the two agencies with respect to permits in carrying out the requirements of this act including, but not limited to, monitoring and enforcement of certification agreements, and in qualifying for full participation in any such national system.

NEW SECTION. Sec. 6. There is added to chapter 90.48 RCW a new section to read as follows:

Nothing contained in sections 1 through 7 of this 1973 amendatory act shall be construed to grant the department of ecology the authority to issue permits for nonpoint sources of pollution from or regulate forest practices on forest lands.

NEW SECTION. Sec. 7. There is added to chapter 90.48 RCW a new section to read as follows:

In recognition of the broad powers granted in this 1973 amendatory act and a desire of the legislature to review actions taken by the department of ecology in the implementation thereof, the department shall, no later than the first day of the next regular session of the legislature, submit to the president of the senate and the speaker of the house of representatives all rules, adopted by the department under the provisions of this 1973 amendatory act, and proposed legislation, including suitable amendments to chapter 90.48 RCW, to make the programs administered under this 1973 amendatory act statutorily more precise and to eliminate any possible conflicts or ambiguities arising from powers granted and actions taken under this 1973 amendatory act and any other provisions of chapter 90.48 RCW. This section shall not be codified by the code reviser.

Sec. 8. Section 20, chapter 216, Laws of 1945 and RCW 90.48.140 are each amended to read as follows:

Any person found guilty of wilfully violating any of the

provisions of this chapter, or any final written orders or directive of the ((commission)) department or a court in pursuance thereof shall be deemed guilty of a ((gross misdemeanor)) crime, and upon conviction thereof shall be punished by a fine of ((not more than one hundred dollars)) up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment in the discretion of the court. Each day upon which a wilful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

Sec. 9. Section 14, chapter 139, Laws of 1967, ex. sess., as amended by section 13, chapter 88, Laws of 1970, 1st ex. sess., and RCW 90.48.144 are each amended to read as follows:

Every person who:

- (1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or this amendatory act, or
- (2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or this amendatory act, or
- (3) Violates the provisions of RCW 90.48.080, shall incur, in addition to any other penalty as provided by law, a penalty in ((the)) an amount of ((one hundred dollars)) up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall ((become due and payable when the person incurring the same receives)) be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the director of the ((commission)) department or his authorized delegate describing such violation with reasonable particularity ((and advising such person that the penalty is due)). The director or his authorized delegate may, upon written application therefor ((7)) received within fifteen days ((7)) after notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section ((or discontinue any prosecution to recover the same)) upon such terms as he in his discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. Any person incurring any penalty hereunder may appeal the

same to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or his authorized delegate setting forth the disposition of the application. Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of ((such)) any penalty is not paid to the ((commission)) department within ((fifteen)) thirty days after ((receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after the violator has received notice of the disposition of such application)) it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any ((other)) county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

NEW SECTION. Sec. 10. Section 13, chapter 216, Laws of 1945 and RCW 90.48.070 are each repealed.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing institutions and shall take effect immediately.

Passed the House March 6, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 20, 1973, with the exception of Section six which is vetoed.

Filed in Office of Secretary of State March 20, 1973.

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

"I am returning herewith without my approval as to

one section House Bill No. 594 entitled:

"AN ACT Relating to water pollution control."

Actions of the electorate and elected officials over the past several decades, especially the last six years, have shown the dedication of the State of Washington to a policy of attaining and retaining high quality for its waters. Passage of Engrossed House Bill No. 594 continues the state's dedication to the extinguishment of water pollution from its boundaries by accepting the challenge of the Federal Water Pollution Control Act Amendments of 1972 which was passed late last year. I am, therefore, most pleased to sign Engrossed House Bill No. 594.

Veto
Message

One of the principal reasons for the passage of Engrossed House Bill No. 594 at this time is to insure that the State of Washington is in a posture which allows the state to administer the sole waste discharge permit system operating within its boundaries through the operation of such a permit program as a part of the National Pollution Discharge Elimination System established by section 402 of the new Federal Act. An examination of that act, as it pertains to the criteria to be utilized by the administrator of the United States Environmental Protection Agency in approving requests by states to operate these programs within the national system reveals an ambiguity in the criteria in respect to problems of nonpoint sources of pollution. To eliminate any possibility that Engrossed House Bill No. 594 is deficient in providing statutory authority to state government to satisfy the criteria for approval of the state permit program under the national system, I have determined it advisable to veto section 6 of Engrossed House Bill No. 594 which provides that the act does not authorize the Department of Ecology to regulate forest practices on forest lands to protect water quality.

In removing this section, I was aware of the discussions presently being carried on in the legislature pertaining to regulation of forest practices. A bill to control forest practices is needed. I am both hopeful and confident that the legislature can develop a bill which will provide for water quality and point and non-point pollution sources regulation programs under our pollution control agency to continue, while at the same time allowing

any new program pertaining to forest management regulation to be conducted by the Department of Natural Resources. I am further confident that the two programs can be administered in a coordinated manner to insure that no undue burdens are placed on forest land owners.

With the exception of section six, I have approved Engrossed House Bill No. 594."

WASHINGTON LAWS
1973 FIRST EXTRAORDINARY SESSION

WASHINGTON LAWS

1973 FIRST EXTRAORDINARY SESSION

CHAPTER 1

[Substitute Senate Bill No. 2037]

STATE HIGHWAYS--OVERSIZE FARM VEHICLE
MOVEMENTS--REGULATION

AN ACT Relating to the movement of farm vehicles and implements on state highways; amending section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.0941; adding new sections to chapter 46.44 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 46.44 RCW a new section to read as follows:

The limitations of RCW 46.44.010, 46.44.020 and 46.44.040 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor.

NEW SECTION. Sec. 2. There is added to chapter 46.44 RCW a new section to read as as follows:

In addition to any other special permits authorized by law, special permits may be issued by the highway commission for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day and otherwise in accordance with rules hereby authorized to be adopted by the highway commission for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the highway commission.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The highway commission shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor.

Sec. 3. Section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 248, Laws of 1971 ex. sess. and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state ((primary or secondary)) highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip\$5.00
- Continuous operation of overlegal loads having
 - either overwidth or overheight features only for a period not to exceed thirty days\$ 20.00
- Continuous operations of overlegal loads having
 - overlength only for a period not to exceed thirty days..\$ 10.00
- Continuous operation of a vehicle having a
 - maximum height not to exceed fourteen feet for a period of one year\$150.00
- Continuous operation of a combination of vehicles
 - not to exceed seventy-three feet overall length for a period of one year\$ 60.00
- Continuous operation of farm implements under a permit issued as authorized by section 2 of this 1973 amendatory act by:
 - (1) Farmers in the course of farming activities
 - for any three-month period\$ 10.00
 - (2) Farmers in the course of farming activities
 - for a period not to exceed one year\$ 25.00
 - (3) Persons engaged in the business of the sale,
 - repair or maintenance of such farm
 - implements for any three-month period\$ 25.00
 - (4) Persons engaged in the business of the sale,
 - repair or maintenance of such farm implements
 - for a period not to exceed one year\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing the state highway commission to issue annual overweight permits.

	Fee per mile on state highways
1- 5,999 pounds.....	\$.05
6,000-11,999 pounds.....	\$.10
12,000-17,999 pounds.....	\$.15

18,000-23,999 pounds.....	\$.25
24,000-29,999 pounds.....	\$.35
30,000-35,999 pounds.....	\$.45
36,000-41,999 pounds.....	\$.60
42,000-47,999 pounds.....	\$.75
48,000-53,999 pounds.....	\$.90
54,000-59,999 pounds.....	\$ 1.05
60,000-65,999 pounds.....	\$ 1.20
66,000-71,999 pounds.....	\$ 1.45
72,000-77,999 pounds.....	\$ 1.70
80,000 pounds or more.....	\$ 2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

((This section shall become effective July 1, 1967))

Passed the Senate March 9, 1973.
Passed the House March 14, 1973.
Approved by the Governor March 21, 1973.
Filed in Office of Secretary of State March 21, 1973.

CHAPTER 2
[House Bill No. 137]
SAFETY GLASS--HAZARDOUS LOCATIONS--
MANDATORY USE

AN ACT Relating to safety glass; amending section 1, chapter 128, Laws of 1963 and RCW 70.89.010; amending section 4, chapter 128, Laws of 1963 and RCW 70.89.040; adding new sections to chapter 128, Laws of 1963 and to chapter 70.89 RCW; repealing section 2, chapter 128, Laws of 1963 and RCW 70.89.020; repealing section 3, chapter 128, Laws of 1963, section 1, chapter 45, Laws of 1965 and RCW 70.89.030; prescribing penalties; and establishing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

The purpose of this chapter is to protect the consumer by reducing the high incidence of accidental injuries and deaths resulting from the use of ordinary annealed glass or substitutes therefor in hazardous locations. The legislature intends to provide to the homeowner, his family and guests, and to the general public,

greater safety by prescribing the labeling and use of safety glazing material in hazardous locations in residential, commercial, industrial, and public buildings.

Sec. 2. Section 1, chapter 128, Laws of 1963 and RCW 70.89.010 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Safety glazing material" means glazing materials, such as tempered glass, laminated glass, or wire glass which meet the test requirements of the American national standards institute standard ANSI-97.1-1972 and such additional requirements as may be prescribed by the director of the department of labor and industries after notice and hearing as required by chapter 34.04 RCW (the administrative procedure act), and which are so constructed, treated or combined with other materials as to ((reduce substantially, in comparison with ordinary sheet glass or plate glass,)) minimize the likelihood of injury to persons by these safety glazing materials when they may be cracked or broken((; and these materials shall be of the following types and shall meet the following tests:

{1} Fully tempered glass;

{a} Particle test--the fully tempered safety glass panel shall be fractured by impact with a spring loaded center punch or by striking a regular center punch with a hammer. The point of impact shall be one-half inch to one inch from any glass edge. When fractured, there shall be no individual fragment larger than 0.45 ounces.

{b} Impact test--as in test No. 8 of American Standards Association #26.4 conducted January 4, 1950.

{2} Laminated glass;

{a} Boil test--as in test No. 4 of American Standards Association #26.4 conducted January 4, 1950.

{b} Impact test--as in tests No. 9 and 12 of American Standards Association #26.4 conducted January 4, 1950.

{3} Wire glass; impact test--as in test No. 14 of American Standards Association #26.4 conducted January 4, 1950)).

Materials other than glass which have properties supported by performance data may be approved by the director for use as glazing material.

(2) "Hazardous locations" means those structural elements, glazed or to be glazed in industrial, commercial and public buildings, known as framed or unframed glass entrance doors; and those structural elements, glazed or to be glazed in residential buildings and other structures used as dwellings, industrial buildings, commercial buildings, and public buildings, known as sliding glass doors, storm doors, shower doors, bathtub enclosures,

and those fixed glazed panels immediately adjacent to entrance and exit doors which may be mistaken for doors; and any other structural elements, glazed or to be glazed, wherein the use of other than safety glazing materials would constitute an unreasonable hazard as the director of the department of labor and industries may determine after notice and hearings as required by chapter 34.04 RCW (the administrative procedure act); whether or not the glazing in such doors, panels, enclosures and other structural elements is transparent: PROVIDED, HOWEVER, That the replacement of opaque, nontransparent panels in buildings which are completed prior to the effective date of this amendatory act shall not be subject to the provisions of the act.

(3) "Commercial buildings" means buildings known as wholesale and retail stores and storerooms, and office buildings.

(4) "Public buildings" means buildings known as hotels, hospitals, motels, sanitariums, nursing homes, theatres, stadiums, gymnasiums, amusement park buildings, schools and other buildings used for educational purposes, museums, restaurants, bars, and other buildings of public assembly.

(5) "Residential buildings" means buildings, known as homes, apartments, and dormitories used as dwellings for one or more families or persons.

(6) "Other structures used as dwellings" means mobile homes, manufactured or industrialized housing and lodging homes.

(7) "Industrial buildings" means buildings known as factories.

(8) "Commercial entrance and exit door" means a hinged, pivoting, revolving, or sliding door which is glazed or to be glazed and used alone or in combination with other doors on the interior or exterior wall of a commercial or public building as a means of ingress or egress.

(9) "Primary residential entrance and exit door" means a door (other than doors covered by subsection (10) of this section) which is glazed or to be glazed and used in the exterior wall of a residential building as a means of ingress or egress.

(10) "Storm or combination door" means a door which is glazed or to be glazed, and used in tandem with a primary residential or commercial entrance and exit door to protect the primary residential or commercial entrance or exit door against weather elements and to improve indoor climate control.

(11) "Bathtub enclosure" means a sliding, pivoting, or hinged door and fixed panels which are glazed or to be glazed and used to form a barrier between the bathtub and the rest of the room areas.

(12) "Shower enclosure" means a hinged, pivoting, or sliding door and fixed panels which are glazed or to be glazed and used to form a barrier between the shower stall and the rest of the room

area.

(13) "Sliding glass door units" means an assembly of glazed or to be glazed panels contained in an overall frame installed in residential, commercial or public buildings, and which assembly is so designed that one or more of the panels is movable in a horizontal direction to produce or close off an opening for use as a means of ingress or egress.

(14) "Fixed flat glazed panels immediately adjacent to entrance or exit doors" means the first fixed flat glazed panel on either or both sides of interior or exterior doors, between eighteen and forty-eight inches in width, within six feet horizontally of the nearest vertical edge of the door, but shall not include any glass panel more than eighteen inches above the finished floor walking surface.

(15) "Glazing" means the act of installing and securing glass or other glazing material into prepared openings in structural elements such as doors, enclosures, and panels.

(16) "Glazed" means the accomplished act of glazing.

(17) "Director" means the director of the department of labor and industries of the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

(1) All safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations or installed in such a location within the state of Washington shall be permanently labeled by such means as etching, sandblasting, firing of ceramic material, hot-die stamping, on the safety glazing material, or by other suitable means. Each light of safety glazing material installed in a hazardous location within the state, shall have attached a transparent label which shall identify the labeler, whether the manufacturer or installer, and state that "safety glazing material" has been utilized in such installation. The label shall be legible and visible from the inside of the building after installation and shall specify that the label shall not be removed.

The label must be legible and visible after installation.

(2) Such safety glazing labeling shall not be used on other than safety glazing materials.

(3) Permanent labeling of wire glass shall not be required where the seller or installer of such wire glass furnishes to each buyer thereof a certificate stating that such wire glass meets the test requirements set forth in RCW 70.89.010, as now or hereafter amended, when such alternate method is approved by the director of the department of labor and industries.

NEW SECTION. Sec. 4. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

It shall be unlawful within the state of Washington to knowingly sell, fabricate, assemble, glaze or install glazing materials other than safety glazing materials in, or for use in, any hazardous location.

NEW SECTION. Sec. 5. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

No liability under this chapter shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with this chapter.

NEW SECTION. Sec. 6. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

This chapter shall supersede any local, municipal or county ordinance or parts thereof relating to the subject matter hereof.

NEW SECTION. Sec. 7. There is added to chapter 128, Laws of 1963 and to chapter 70.89 RCW a new section to read as follows:

Each city, county, or department, agency, or other authority of the state of Washington which inspects the new construction or remodeling of residential, commercial, industrial, or public structures shall in their respective jurisdictions be responsible for the enforcement of this chapter and any regulations made pursuant thereto.

Sec. 8. Section 4, chapter 128, Laws of 1963 and RCW 70.89.040 are each amended to read as follows:

The violation of any provision of this chapter shall constitute a misdemeanor.

NEW SECTION. Sec. 9. The following acts or parts of acts are each hereby repealed:

(1) Section 2, chapter 128, Laws of 1963 and RCW 70.89.020;
and

(2) Section 3, chapter 128, Laws of 1963, section 1, chapter 45, Laws of 1965 and RCW 70.89.030.

NEW SECTION. Sec. 10. It is the intent of the legislature that the application of this act shall be prospective only. The provisions of this 1973 amendatory act shall not take effect until January 1, 1974, and shall not apply to contracts awarded on or before the effective date of this act: PROVIDED, That except for replacement or new installations of materials this 1973 amendatory act shall not apply to buildings or construction completed prior to the effective date of this act.

Passed the House March 15, 1973.

Passed the Senate March 13, 1973.

Approved by the Governor March 23, 1973.

Filed in Office of Secretary of State March 23, 1973.

CHAPTER 3
[House Bill No. 287]
SCHOOLS--CERTIFICATED EMPLOYEES--
SUBSTITUTES--PAYMENT

AN ACT Relating to the payment of substitutes for certain certificated school district personnel; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 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 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

If the superintendent of public instruction or the state board of education, in carrying out their powers and duties under Title 28A RCW, request the service of any certificated employee of a school district upon any committee formed for the purpose of furthering education within the state, or within any school district therein, and such service would result in a need for a school district to employ a substitute for such certificated employee during such service, payment for such a substitute may be made by the superintendent of public instruction from funds appropriated by the legislature for the current use of the common schools and such payments shall be construed as amounts needed for state support to the common schools under RCW 28A.41.050. If such substitute is paid by the superintendent of public instruction, no deduction shall be made from the salary of the certificated employee. In no event shall a school district deduct from the salary of a certificated employee serving on such committee more than the amount paid the substitute employed by the district.

NEW SECTION. Sec. 2. Section 1 of this 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 15, 1973.

Passed the Senate March 13, 1973.

Approved by the Governor March 23, 1973.

Filed in Office of Secretary of State March 23, 1973.

CHAPTER 4

[House Bill No. 364]

PHYSICIANS AND SURGEONS--CANADIAN LICENSEES--
STATE EMPLOYEES--CONDITIONAL LICENSING

AN ACT Relating to the conditional licensing of certain employees of the department of social and health services to practice medicine and surgery; and amending section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 138, Laws of 1967 and RCW 18.71.095; amending section 2, chapter 189, Laws of 1959 as last amended by section 2, chapter 138, Laws of 1967 and RCW 18.71.096.

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

Section 1. Section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 138, Laws of 1967 and RCW 18.71.095 are each amended to read as follows:

Notwithstanding any provisions of law to the contrary, the director of the department of motor vehicles shall, upon the written request of the ((director)) secretary of the department of ((institutions)) social and health services, issue a conditional certificate or license to practice medicine and surgery in this state to such person or persons as requested by the ((director)) secretary of the department of ((institutions)) social and health services; who have been accepted for employment by the department as physicians or psychiatrists; who are licensed to practice medicine and surgery in another state of the United States or in the country of Canada or any province or territory thereof; and who are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of motor vehicles, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein:

(1) The licensee shall only practice the profession of medicine and surgery in conjunction with patients, residents, or inmates of the state institutions under the control and supervision of the ((director)) secretary of the department of ((institutions)) social and health services.

(2) The licensee shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 and in addition, the conditional license or certificate to practice medicine and surgery in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72, and determination made by

the medical disciplinary board that such licensee has violated the limitations set forth in subsection (1) hereof.

(3) Such license shall remain in full force and effect only so long as the licensee remains an employee of the department of ((institutions)) social and health services, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72.

Sec. 2. Section 2, chapter 189, Laws of 1959 as last amended by section 2, chapter 138, Laws of 1967 and RCW 18.71.096 are each amended to read as follows:

The director of motor vehicles shall cause a conditional license or certificate to practice medicine and surgery to be issued subject to the provisions of RCW 18.71.095, which shall remain in effect for a period of two years and which ((shall not)) may be ((renewable)) renewed at the expiration of such conditional license. All conditional licenses issued prior to July 1, 1967, pursuant to the authority of RCW 18.71.095, shall remain in full force and effect subject to the jurisdiction of the medical disciplinary board.

Passed the House March 15, 1973.

Passed the Senate March 13, 1973.

Approved by the Governor March 23, 1973.

Filed in Office of Secretary of State March 23, 1973.

CHAPTER 5

[Engrossed Substitute Senate Bill No. 2113]

WASHINGTON STATE HOSPITAL COMMISSION

AN ACT Relating to hospital health care services; establishing a hospital commission; adding a new chapter to Title 70 RCW; defining crimes and prescribing penalties.

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

NEW SECTION. Section 1. There is added to Title 70 RCW a new chapter to read as set forth in sections 2 through 23 of this act.

NEW SECTION. Sec. 2. The primary purpose of this chapter is to promote the economic delivery of high quality and effective hospital health care services to the people by establishing a hospital commission with authority over financial disclosure and budget and prospective rate review and other related matters, which will assure all purchasers of hospital health care services that total hospital costs are reasonably related to total services, that hospital rates are reasonably related to aggregate costs, and that

such rates are set equitably among all purchasers of these services without undue discrimination.

The legislature finds and declares that rising hospital costs are a vital concern to the people of this state because of the danger which is posed that hospital and health care services are fast becoming out of the economic reach of the majority of our population. It is further declared that health care is a right of the people and one of the primary purposes for which governments are established, and it is, therefore, essential that an effective cost control program be established which will both enable and motivate hospitals to control their spiraling costs. It is the legislative intent, in pursuance of this declared public policy, to provide for uniform measures on a state-wide basis to control hospital costs without the sacrifice of quality of service.

NEW SECTION. Sec. 3. As used in this chapter:

(1) "Commission" means the hospital commission of the state of Washington as created by this chapter;

(2) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

NEW SECTION. Sec. 4. There is hereby created a hospital commission, which shall be a separate and independent commission of the state. The commission shall be composed of five members appointed by the governor, and generally representative of the public as consumers, labor, business, and hospitals, and shall be individuals concerned with the delivery of quality health care; but in no event shall more than two members have any fiduciary obligation to a health facility or other health agency, nor any direct financial interest in the rendering of health services. In cases when proposed rate increases for osteopathic hospitals are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace a hospital representative on the commission.

NEW SECTION. Sec. 5. Members of the commission shall serve for four-year terms and shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not

require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 6. The member representing consumers of health care services shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

Three members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless three members concur therein.

The members of the commission shall receive no compensation but shall be reimbursed for their expenses while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44.04.120.

NEW SECTION. Sec. 7. The commission shall appoint a full time executive director and a deputy director and confidential secretary who shall be exempt from the civil service law, chapter 41.06 RCW and who shall perform the duties delegated by the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction.

The secretary of the department of social and health services shall employ and furnish such other staff as are necessary to fulfill the responsibilities and duties of the commission, such staff to be subject to the civil service law, chapter 41.06 RCW, and under the supervision of the commission and its executive director. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commission.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health care costs.

NEW SECTION. Sec. 8. In order to assist the commission in carrying out its duties, the governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of eleven members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable

in the financial affairs of hospitals.

(2) One member who shall be a health care practitioner licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) Five members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, and university hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of the department of social and health services, or his designee, to provide continuing liaison, data and support from those functions of the department which may affect the responsibilities of the commission.

(6) One member who shall be the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council.

(7) One member of the commission, elected by the commission.

The members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without compensation but shall be reimbursed for their expenses in the same manner as members of the commission.

NEW SECTION. Sec. 9. The committee shall have the duty upon the request of the commission to consult with and make recommendations to the commission:

(1) On matters of policy;

(2) On rules and regulations proposed by the commission to implement this act;

(3) On analyses and studies of hospital health care costs and related matters which may be undertaken by the commission; and

(4) On such other matters as the commission may refer.

NEW SECTION. Sec. 10. To further the purposes of this chapter, the commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, as it deems necessary,

to supplement the resources provided by the technical advisory committee.

NEW SECTION. Sec. 11. (1) The commission, after study and in consultation with advisory committees, if any, shall establish by the promulgation of rules and regulations pursuant to the Administrative Procedure Act, chapter 34.04 RCW, a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals shall record their revenues, expenses, other income, other outlays, assets and liabilities, and units of service. All hospitals shall adopt the system for their fiscal year period to be effective at such time and date as the commission shall direct. In determining the effective date for reporting requirements, the commission shall be mindful both of the immediate need for uniform hospital reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals may encounter in conversion, but in no event shall such effective date be later than two and one-half years from the date of the formation of the commission.

(2) In establishing such accounting systems and uniform reporting procedures, the commission shall take into consideration:

(a) Existing systems of accounting and reporting presently utilized by hospitals;

(b) Differences among hospitals according to size; financial structure; methods of payment for services; and scope, type, and method of providing services; and

(c) Other pertinent distinguishing factors.

(3) The commission shall, where appropriate, provide for modification, consistent with the purposes of this chapter, of reporting requirements to correctly reflect these differences among hospitals, and to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of accounting and financial reporting.

(4) The accounting system, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred with reference to educational research and other nonpatient-related activities including but not limited to charitable activities of such hospitals.

NEW SECTION. Sec. 12. (1) Each hospital shall file annually with the commission after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A statement of income and expenses;

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

(2) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(3) The commission shall require certification of specified financial reports by the hospital's certified public accountant, and may require attestation as to such statements from responsible officials of the hospital that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

(4) All reports, except privileged medical information, filed under this chapter shall be open to public inspection.

(5) The commission shall have the right of inspection of hospital books, audits, and records as reasonably necessary to verify hospital reports.

NEW SECTION. Sec. 13. (1) The commission shall from time to time undertake analyses and studies relating to hospital health care costs and to the financial status of any hospital or hospitals subject to the provisions of this chapter, and may publish and disseminate such information as it deems desirable in the public interest. It shall further require the filing of information concerning the total financial needs of each hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide and state comprehensive health planning agencies.

(2) The commission shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the commission hereunder as will advance the purposes of this chapter.

NEW SECTION. Sec. 14. The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to members of the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include a compilation of all summaries and reports required by this chapter, together with such findings and recommendations as the commission deems necessary.

NEW SECTION. Sec. 15. From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by section 11 of this 1973 act, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and that rates

are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates other than those established in accordance with the procedures established hereunder.

In the interest of promoting the most efficient and effective use of hospital health care service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter.

For the purposes of the Federal Economic Stabilization Act of 1970, as now or hereafter amended, the commission shall serve as the state agency responsible for recommending increases in rates for hospital and related health care institutions to the federal price commission or its successor: PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to federal review the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such federal review only.

NEW SECTION. Sec. 16. To properly carry out its authority the commission shall:

(1) Immediately upon the effective date of this 1973 act begin to compile all relevant financial and accounting data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for rendering services to patients who cannot or do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in section 17 of this 1973 act and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require.

(2) Permit any nonprofit hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and on a solvent basis.

(3) Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or the fair value of the investment, whichever is less.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

(5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter.

NEW SECTION. Sec. 17. From and after the date determined by the commission pursuant to section 15 of this 1973 act, no hospital subject to the provisions of this chapter shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for in subsection (4) of this section, no hospital shall establish such changes except after notice to the commission of at least thirty days from the time the rate is intended to go into effect. Upon receipt of notice, the commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the commission shall promptly, but in any event within thirty days, institute proceedings as to the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the change would otherwise go into effect: PROVIDED, That should it be necessary, the commission may extend the suspension for an additional thirty days. After the expiration of ninety days from the date the rate is intended to go into effect the new rate will go into effect, if the commission does not approve, disapprove, or modify the request by that time.

(3) Such proposed changes shall be considered at a public

hearing, the time and place of which shall be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out in this section shall be conducted by the commission as soon thereafter as is practicable.

(5) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature.

NEW SECTION. Sec. 18. The commission shall biennially prepare a budget which shall include its estimated income and expenditures for administration and operation for the biennium, to be submitted to the governor for transmittal to the legislature for approval.

Expenses of the commission shall be financed by assessment against hospitals in an amount to be determined biennially by the commission, but not to exceed four one-hundredths of one percent of each hospital's gross operating costs to be levied and collected from and after July 1, 1973 for the provision of hospital services for its last fiscal year ending on or before June 30th of the preceding calendar year. Budgetary requirements in excess of that limit may be financed by a general fund appropriation by the legislature. All moneys collected are to be deposited by the state treasurer in the hospital commission account in the general fund which is hereby created.

Any amounts raised by the collection of assessments from hospitals provided for in this section which are not required to meet appropriations in the budget act for the current fiscal year shall be available to the commission in succeeding years.

NEW SECTION. Sec. 19. In addition to the powers granted to the commission elsewhere in this chapter, the commission may:

(1) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this chapter, subject to the provisions of the Administrative Procedure Act, chapter 34.04 RCW applicable to the promulgation of rules and regulations.

(2) Hold public hearings, conduct investigations, and subpoena witnesses, papers, records, and documents in connection therewith. The commission may administer oaths or affirmations in any hearing or

investigation.

(3) Exercise, subject to the limitations and restrictions herein imposed, all other powers which are reasonably necessary or essential to carry out the expressed objects and purposes of this chapter.

NEW SECTION. Sec. 20. Any person aggrieved by a final determination of the commission as to any rule, regulation, or determination under the provisions of this chapter shall be entitled to an administrative hearing and judicial review in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 21. Every person who shall violate or knowingly aid and abet the violation of this chapter or any valid orders, rules, or regulations thereunder, or who fails to perform any act which it is herein made his duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this chapter may be enjoined from continuing such violation.

NEW SECTION. Sec. 22. If any provision of this 1973 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. 23. Consistent with the purposes enumerated in section 2 of this 1973 act, the provisions of this chapter shall be liberally construed, and shall not be limited by any rule of strict construction.

Passed the Senate March 16, 1973.

Passed the House March 15, 1973.

Approved by the Governor March 23, 1973.

Filed in Office of Secretary of State March 23, 1973.

CHAPTER 6

[Senate Bill No. 2176]

PORT DISTRICTS--COMMISSIONERS--INSURANCE COVERAGE FURNISHED

AN ACT Relating to port districts; providing for insurance coverage for port district commissioners; amending section 1, chapter 64, Laws of 1955 as amended by section 1, chapter 20, Laws of 1965 and RCW 53.08.170.

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

Section 1. Section 1, chapter 64, Laws of 1955 as amended by section 1, chapter 20, Laws of 1965 and RCW 53.08.170 are each

amended to read as follows:

The port commission shall have authority to create and fill positions, to fix wages, salaries and bonds thereof, to pay costs and assessments involved in securing or arranging to secure employees, and to establish such benefits for employees, including holiday pay, vacations or vacation pay, retirement and pension benefits, medical, surgical or hospital care, life, accident, or health disability insurance, and similar benefits, already established by other employers of similar employees, as the port commissioner shall by resolution provide: PROVIDED, That any district providing insurance benefits for its employees in any manner whatsoever may provide business related travel, liability, health, errors and omissions and accident insurance, for its commissioners, which insurance shall not be considered to be compensation.

The port commission shall have authority to provide or pay such benefits directly, or to provide for such benefits by the purchase of insurance policies or entering into contracts with and compensating any person, firm, agency or organization furnishing such benefits, or by making contributions to vacation plans or funds, or health and welfare plans and funds, or pension plans or funds, or similar plans or funds, already established by other employers of similar employees and in which the port district is permitted to participate for particular classifications of its employees by the trustees or other persons responsible for the administration of such established plans or funds: PROVIDED FURTHER, That no port district employee shall be allowed to apply for admission to or be accepted as a member of the state employees' retirement system after January 1, 1965 if admission to such system would result in coverage under both a private pension system and the state employees' retirement system, it being the purpose of this proviso that port districts shall not at the same time contribute for any employee to both a private pension or retirement plan and to the state employees' retirement system. The port commission shall have authority by resolution to utilize and compensate agents for the purpose of paying, in the name and by the check of such agent or agents or otherwise, wages, salaries and other benefits to employees, or particular classifications thereof, and for the purpose of withholding payroll taxes and paying over tax moneys so withheld to appropriate government agencies, on a combined basis with the wages, salaries, benefits, or taxes of other employers or otherwise; to enter into such contracts and arrangements with and to transfer by warrant such funds from time to time to any such agent or agents so appointed as are necessary to accomplish such salary, wage, benefit, or tax payments as though the port district were a private employer, notwithstanding any other provision of the law to the contrary. The funds of a port district transferred to such an agent

or agents for the payment of wages or salaries of its employees in the name or by the check of such agent or agents shall be subject to garnishment with respect to salaries or wages so paid, notwithstanding any provision of the law relating to municipal corporations to the contrary.

Passed the Senate March 20, 1973.

Passed the House March 19, 1973.

Approved by the Governor March 26, 1973.

Filed in Office of Secretary of State March 26, 1973.

CHAPTER 7

[House Bill No. 502]

NUCLEAR THERMAL POWER FACILITIES--JOINT
OPERATING AGENCIES--PARTICIPATION AUTHORITY

AN ACT Relating to public utilities; and amending section 1, chapter 159, Laws of 1967 and RCW 54.44.010; amending section 2, chapter 159, Laws of 1967 and RCW 54.44.020; amending sections 3, 4, 5 and 6, chapter 159, Laws of 1967 and RCW 54.44.030, 54.44.040, 54.44.050 and 54.44.060; creating new sections; and declaring an emergency.

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

Section 1. Section 1, chapter 159, Laws of 1967 and RCW 54.44.010 are each amended to read as follows:

It is declared to be in the public interest and for a public purpose that cities of the first class, public utility districts, joint operating agencies organized under chapter 43.52 RCW, and regulated electrical companies be permitted to participate together in the development of nuclear and other thermal power facilities and transmission facilities as hereinafter provided as one means of achieving economies of scale and thereby promoting the economic development of the state and its natural resources to meet the future power needs of the state and all its inhabitants.

Sec. 2. Section 2, chapter 159, Laws of 1967 and RCW 54.44.020 are each amended to read as follows:

In addition to the powers heretofore conferred upon cities of the first class ~~((and))~~, public utility districts organized under chapter ~~((54.04))~~ 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the

Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", for the undivided ownership of nuclear and other thermal power generating plants and facilities, and transmission facilities including, but not limited to, related transmission facilities, hereinafter called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city ((or)), public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

Each city, public utility district, joint operating agency and regulated utility participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect.

Sec. 3. Section 3, chapter 159, Laws of 1967 and RCW 54.44.030 are each amended to read as follows:

In carrying out the powers granted in this chapter, each such city ((or)), public utility district, or joint operating agency shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions or obligations of others. No money or property supplied by any such city ((or)), public utility district, or joint operating agency for the planning, financing, acquisition, construction, operation or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city ((or)), public utility district, or joint operating agency in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in connection with a common facility shall be binding upon any public utility district ((or)), city, or joint operating agency unless authorized or approved by resolution or ordinance of its governing body.

Sec. 4. Section 4, chapter 159, Laws of 1967 and RCW

54.44.040 are each amended to read as follows:

Any such city ~~((or))~~, public utility district, or joint operating agency participating in common facilities under this chapter, without an election, may furnish money and provide property, both real and personal, issue and sell revenue bonds pledging revenues of its electric system and its interest or share of the revenues derived from the common facilities and any additions and betterments thereto in order to pay its respective share of the costs of the planning, financing, acquisition and construction thereof. Such bonds shall be issued under the provisions of applicable laws authorizing the issuance of revenue bonds for the acquisition and construction of electric public utility properties by cities ~~((or))~~, public utility districts, or joint operating agencies as the case may be. All moneys paid or property supplied by any such city ~~((or))~~, public utility district, or joint operating agency for the purpose of carrying out the powers conferred herein are declared to be for a public purpose.

Sec. 5. Section 5, chapter 159, Laws of 1967 and RCW 54.44.050 are each amended to read as follows:

All moneys belonging to cities ~~((and))~~, public utility districts, and joint operating agencies in connection with common facilities shall be deposited in such depositories as qualify for the deposit of public funds and shall be accounted for and disbursed in accordance with applicable law.

Sec. 6. Section 6, chapter 159, Laws of 1967 and RCW 54.44.060 are each amended to read as follows:

Any agreement with respect to work to be done or material furnished by any such city ~~((or))~~, public utility district, or joint operating agency in connection with the construction, maintenance and operation of the common facilities, and any additions and betterments thereto shall be in conformity, as near as may be, with applicable laws now or hereafter in effect relating to public utility districts or cities of the first class.

NEW SECTION. Sec. 7. The legislature finds that the immediate planning, financing, acquisition and construction of electric generating and transmission facilities as provided in sections 1 through 6 of this 1973 amendatory act is a public necessity to meet the power requirements of the public utility districts, cities, joint operating agencies and regulated utilities referred to in sections 1 through 6 of this 1973 amendatory act and the inhabitants of this state; further that such public utility districts, cities, joint operating agencies and regulated utilities are ready, willing and able to undertake such planning, financing, acquisition and construction of said electric generating and transmission facilities immediately upon the passage of sections 1

through 6 of this 1973 amendatory act. This 1973 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.

NEW SECTION. Sec. 8. If any provision of this 1973 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 March 14, 1973.

Passed the Senate March 17, 1973.

Approved by the Governor March 26, 1973.

Filed in Office of Secretary of State March 26, 1973.

CHAPTER 8

[Engrossed Senate Bill No. 2111]

CREDIT UNIONS--
LAW REVISIONS

AN ACT Relating to credit unions; amending section 3, chapter 23, Laws of 1957 as amended by section 2, chapter 180, Laws of 1967 and RCW 31.12.020; amending section 12, chapter 173, Laws of 1933 as last amended by section 4, chapter 180, Laws of 1967 and RCW 31.12.160; amending section 14, chapter 173, Laws of 1933 as last amended by section 6, chapter 180, Laws of 1967 and RCW 31.12.180; amending section 15, chapter 173, Laws of 1933 as last amended by section 3, chapter 65, Laws of 1969 and RCW 31.12.190; amending section 17, chapter 173, Laws of 1933 as last amended by section 6, chapter 23, Laws of 1957 and RCW 31.12.210; amending section 18, chapter 173, Laws of 1933 as last amended by section 5, chapter 65, Laws of 1969 and RCW 31.12.220; amending section 21, chapter 173, Laws of 1933 as last amended by section 6, chapter 65, Laws of 1969 and RCW 31.12.240; amending section 8, chapter 23, Laws of 1957 as last amended by section 7, chapter 65, Laws of 1969 and RCW 31.12.245; amending section 20, chapter 173, Laws of 1933 as last amended by section 8, chapter 65, Laws of 1969 and RCW 31.12.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 9, chapter 65, Laws of 1969 and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 10, chapter 65, Laws of 1969

and RCW 31.12.280; amending section 13, chapter 23, Laws of 1957 as last amended by section 13, chapter 180, Laws of 1967 and RCW 31.12.290; amending section 26, chapter 173, Laws of 1933 as last amended by section 5, chapter 213, Laws of 1947 and RCW 31.12.320; adding new sections to chapter 173, Laws of 1933 and to chapter 31.12 RCW; and creating new sections.

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

Section 1. Section 3, chapter 23, Laws of 1957 as amended by section 2, chapter 180, Laws of 1967 and RCW 31.12.020 are each amended to read as follows:

A credit union is a cooperative society incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest not to exceed one percent per month on the unpaid balance or the equivalent thereto, for provident, productive, and educational purposes. Credit unions, in the event of default of such credit, may impose financing and reasonable late charges in accordance with their bylaws and may recover reasonable costs and expenses incurred in the collection of any sums due if provided for in the note or agreement signed by the borrower.

Sec. 2. Section 12, chapter 173, Laws of 1933 as last amended by section 4, chapter 180, Laws of 1967 and RCW 31.12.160 are each amended to read as follows:

The annual meeting of the corporation shall be held at such time and place as the bylaws prescribe, but not later than ninety days after the close of the fiscal year. Special meetings may be called at any time by a majority of the directors, and shall be called by the secretary upon written application of ten percent or more of the voting members of the corporation (~~PROVIDED, That in any event, the application of not less than ten nor more than one hundred voting members of the corporation shall be required to call a special meeting~~). Notice of all meetings of the corporation and of all meetings of the directors and of committees shall be given as provided in the bylaws. No member may vote by proxy or have more than one vote, and after a credit union has been incorporated for one year, no member may vote until he has been a member for three months. Ballot voting by mail may be authorized by the board of directors as prescribed in the bylaws. To be eligible to vote a member must have not less than one fully paid share. A fraternal organization, voluntary association, partnership, or corporation having a membership in a credit union may cast one vote at any of its meetings by its authorized agent.

Sec. 3. Section 14, chapter 173, Laws of 1933 as last amended by section 6, chapter 180, Laws of 1967 and RCW 31.12.180 are each amended to read as follows:

The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified unless sooner removed as hereinafter provided: PROVIDED, That the treasurer need not be a director. The board shall select a credit committee composed of three or more members of the credit union, who need not be board members. The offices of secretary and treasurer may be held by the same person. No director shall be a member of both the credit and auditing committee, and no more than one director shall serve on the auditing committee. The board may select an investment committee of not less than three members of the credit union, who need not be board members. No director shall be a member of both the investment and auditing committee. Each officer and employee handling funds of the credit union shall give bond to the directors in such amount and with such surety and conditions as the supervisor may prescribe (with which bond shall be filed with the supervisor)).

NEW SECTION. Sec. 4. There is added to chapter 173, Laws of 1933 and to chapter 31.12 RCW a new section to read as follows:

The investment committee shall hold such meetings as are necessary to accomplish its work. The investment committee shall have the authority to make those investments permitted by RCW 31.12.260 as now or hereafter amended, but the actions of the committee shall be subject to the supervision of the board.

Sec. 5. Section 15, chapter 173, Laws of 1933 as last amended by section 3, chapter 65, Laws of 1969 and RCW 31.12.190 are each amended to read as follows:

The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, except that a membership officer may be authorized by the board to approve applications for membership under such conditions as the board may prescribe which are consistent with the provisions of this chapter, and such membership officers so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the bylaws or the board may require. The board shall determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not be greater than one-half of one percent less than the rate at which dividends have been declared during the immediately preceding period, determine the types of

security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. The board shall make recommendations to the members relative to matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual, semiannual, or quarterly period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: PROVIDED, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, investment committee, or audit committee, for cause, until the next membership meeting, which meeting shall be held within fifteen days of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting.

Sec. 6. Section 17, chapter 173, Laws of 1933 as last amended by section 6, chapter 23, Laws of 1957 and RCW 31.12.210 are each amended to read as follows:

No director shall receive compensation for his services as such or as a member of a committee, nor shall he borrow from the corporation to an amount in excess of his shares and deposits in the credit union and the accumulated earnings standing to his credit on the books of the corporation(~~nor may he become an endorser, surety, or comaker for a loan made by the credit union~~) except by written approval of three-fourths of the members of the board. The treasurer elected by the board may receive such compensation as the board may authorize.

Sec. 7. Section 18, chapter 173, Laws of 1933 as last amended by section 5, chapter 65, Laws of 1969 and RCW 31.12.220 are each amended to read as follows:

Before the payment of any dividend there shall be set apart as a guaranty fund not less than twenty percent of the net income which has accumulated during the next preceding dividend period, except as hereinafter provided, until such time as said guaranty fund and undivided profits shall equal ten percent of the outstanding loans not fully covered by shares of the said credit union and thereafter there shall be added to the guaranty fund at the end of each such period such percentage of the net income which has accumulated during that period as will result in at least maintaining such guaranty fund and undivided profits at such amount: PROVIDED, That credit unions with shares insured by the administrator, National Credit Union Administration, may in the alternative comply with reserve requirements and regulations promulgated by the National Credit Union Administration. All entrance fees shall be added to the guaranty fund at the close of the dividend period, and shall never exceed twenty-five cents for each member. The guaranty fund and the investments thereof shall be held to meet contingencies or losses in the business of the credit union, and shall not be distributed to its members, except in the case of dissolution.

Sec. 8. Section 21, chapter 173, Laws of 1933 as last amended by section 6, chapter 65, Laws of 1969 and RCW 31.12.240 are each amended to read as follows:

The credit committee shall hold meetings at least once a month; act on all applications for loans; and approve in writing all personal loans granted and any security pledged therefor (~~and submit to the board all applications for loans other than personal loans; with their recommendations thereon; except as provided in RCW 31.12.245~~)).

No personal loans shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of the committee, approve such loan, except as provided in RCW 31.12.245. The credit committee may be established in such numbers and at such places as is necessary to serve member needs, with a minimum of two members needed for loan approval: PROVIDED, That such extension of service is approved by the supervisor. No loan shall be granted unless it promises to be of benefit to the borrower. A borrower shall have not less than one fully paid share.

Sec. 9. Section 8, chapter 23, Laws of 1957 as last amended by section 7, chapter 65, Laws of 1969 and RCW 31.12.245 are each amended to read as follows:

The board of any credit union organized under this chapter whose assets are in excess of two hundred thousand dollars may appoint such loan officers as it deems advisable for the purpose of approving certain types of loans without further authorization from

the credit committee. Credit unions with assets of two hundred thousand dollars or less may appoint such loan officers: PROVIDED, That the supervisor has given his prior approval thereto.

All loans not approved by a loan officer shall be acted upon by the credit committee. ((No individual shall have authority to disburse funds of the credit union for any loan which has been approved by him in his capacity as a loan officer.))

Sec. 10. Section 20, chapter 173, Laws of 1933 as last amended by section 8, chapter 65, Laws of 1969 and RCW 31.12.260 are each amended to read as follows:

The capital, deposits, and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee or the loan officer where permitted herein, and also when required herein, of the board of directors(, and any) or of the investment committee. Any capital, deposits, or surplus funds in excess of the amount for which loans may be approved, may be deposited or invested:

(a) In banks or trust companies or in state or national banks located in this state(, or invested);

(b) In any bond or securities or other investments which are at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or which are fully guaranteed as to payment of principal and interest by the United States government, and general obligations of this state and general obligations of counties, municipalities, or public purpose districts of this state;

(c) In obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 846 of Title 31 U.S.C. as a wholly owned government corporation; or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by the Federal National Mortgage Association or the Government National Mortgage Association;

(d) In participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency or instrumentality of the United States (or the head thereof) has been named to act as trustee;

(e) In the shares, share certificates or share deposits of other credit unions or savings and loan associations organized or authorized to do business under the laws of this state or the United States, or in the notes of such credit unions in the process of liquidation;

(f) In the ICU government securities program of ICU Services Corporation owned by CUNA, Incorporated, or up to two percent thereof in a corporation owned by the Washington Credit Union League;

(g) In such other investments authorized in accordance with rules and regulations prescribed by the supervisor consistent with chapter 31.12 RCW as now or hereafter amended;

PROVIDED, That any such securities shall not be eligible for investment if they have been in default either as to principal or interest within five years prior to date of purchase.

No credit union shall carry on a banking business or carry any demand, commercial, or checking accounts, nor issue any time or demand certificates of deposit. Investments other than ~~((personal))~~ loans to members shall be made only with the approval of the board or of the investment committee.

Sec. 11. Section 11, chapter 23, Laws of 1957 as last amended by section 9, chapter 65, Laws of 1969 and RCW 31.12.270 are each amended to read as follows:

A credit union may make:

(1) Personal loans to its members secured by the note of the borrower or other collateral satisfactory to the credit committee, including but not limited to interests in real estate and security interests in mobile homes, travel trailers and motor homes as defined by RCW 82.50.010;

(2) Loans to its members under the act of congress known as the "Higher Education Act of 1965", Nov. 8, 1965, Pub. L. 89-329 (20 USC sections 1001 to 1144 inc.);

(3) Loans to its members secured by a first security interest in a ~~((house trailer))~~ mobile home, travel trailer and motor home, as defined by RCW 82.50.010, owned by the member. All such loans must be amortized by weekly, semimonthly, or monthly payments, which payments, including interest, shall be at the rate of not less than fifteen percent per year of the original principal. Such loans shall not exceed seventy-five percent of the purchase price or of the appraised value thereof, whichever is the lesser;

(4) Loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and

(5) Loans to other credit unions upon a two-thirds majority vote of the board: PROVIDED, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan

applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within four years from the date thereof: PROVIDED, That loans with satisfactory security may be made payable within eight years from the date thereof.

Sec. 12. Section 12, chapter 23, Laws of 1957 as last amended by section 10, chapter 65, Laws of 1969 and RCW 31.12.280 are each amended to read as follows:

No loan which is not adequately secured may be made to any member, if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which, in the case of a credit union whose unimpaired capital and surplus is less than eight thousand dollars would exceed ~~((two))~~ five hundred dollars, or which, in the case of any other credit union, would exceed two thousand five hundred dollars or two and one-half per centum of its unimpaired capital and surplus, whichever is less. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which would exceed ~~((two))~~ five hundred dollars or ten percent of the credit union's unimpaired capital and surplus, whichever is greater: PROVIDED, That loans which are not secured totally by share deposits to any family community shall not exceed ten thousand dollars without the permission of the supervisor.

Sec. 13. Section 13, chapter 23, Laws of 1957 as last amended by section 13, chapter 180, Laws of 1967 and RCW 31.12.290 are each amended to read as follows:

The total amount which a credit union may lend on the security of mortgages on, or contracts relating to, real estate shall not exceed the following limits:

(a) Ten percent of its total assets if its assets are under one hundred thousand dollars.

(b) Twenty percent of its total assets if its assets are over one hundred thousand dollars but under one million dollars.

(c) Thirty percent of its total assets if its assets are in excess of one million dollars.

All loans secured by mortgages or contracts on real estate shall be subject to the following restrictions:

(1) Loans secured by first mortgages shall be only on real estate improved by a home, a combination home and business building, or a two unit residential building in which the owner-borrower is the occupant of one unit; loans may be made for the construction of any such improvements. Additional parcels of noncontiguous, improved, habitable, residential real estate may be included in the same loan as such security together with the principal property.

(2) Any loans made on a real estate contract must be through warranty deed and assignment of the seller's interest, and the principal amount of the purchase price must have been reduced by twenty-five percent; the monthly payments must not be delinquent at time of the loan and the real estate must be such as would qualify for a mortgage loan under paragraph (1) hereof.

(3) The total amount which may be loaned on any one property or to any one family community borrower shall not exceed two and one-half percent of the assets of the credit union, or ten thousand dollars, whichever is greater, except with the prior approval of the supervisor. Such loan shall not exceed((:

~~{a})~~ seventy-five percent of the appraised value of the real estate if there is located thereon a home (~~(only which is not over sixty months old and incidental out buildings;)~~) or if the loan is made for the construction or completion of ~~((such))~~ improvements(~~(7 and~~

~~{b}~~ Sixty percent of the appraised value of the real estate if there is located thereon other habitable buildings of a nature permitted under paragraph ~~{1}~~ hereof)).

All taxes and assessments must be paid currently, and all such loans must be amortized within a maximum period of twenty years by weekly, semimonthly or monthly payments, which payments, including interest, shall be at the rate of not less than seven and one-half percent per year of the original principal.

The real estate covered by any such mortgage or contract must be inspected and appraised by ~~((two appraisers each of whom))~~ an appraiser who has had two or more years experience in appraising real estate for loan purposes within the area in which the property is located. The credit union must have a policy of title insurance issued concurrently by an insurance company licensed to do business in the state of Washington, insuring the interest of the credit union in the real estate in the full amount of the loan, or must have an abstract brought up to date of the loan and certified by a practicing attorney; also with fire insurance covering at least the interest of the credit union.

Sec. 14. Section 26, chapter 173, Laws of 1933 as last amended by section 5, chapter 213, Laws of 1947 and RCW 31.12.320 are each amended to read as follows:

Within thirty days after the first business day of January ~~((and July))~~ in each year, the auditing committee of each credit union shall make to the supervisor a report in such form as he may prescribe, and shall make oath that the report is true and correct. Any credit union neglecting to make said report within the time herein prescribed and such other requested reports within thirty days after notification shall forfeit to the state one dollar for each day

during which neglect continues. The penalty for any single delinquency shall not exceed twenty-five dollars.

The supervisor shall make or cause to be made an examination and full investigation into the affairs of each credit union at least once each calendar year. The actual cost of examination and supervision shall be paid by the credit union examined: PROVIDED, That the supervisor may accept in lieu of an examination the report of any competent accountant, satisfactory to the supervisor, who has made and submitted a report of the condition of the affairs of such credit union, and if approved, shall have the same force and effect as though the examination were made by the supervisor or one of his appointees. Examination costs shall not be payable by a credit union with respect to the first examination following approval of its articles of incorporation by the supervisor, and the supervisor may adjust examination costs payable for succeeding examinations giving due consideration to the time and expense incident to such examinations, and to the ability of the credit unions to pay such costs.

If it is found that the capital of a credit union be impaired or that business is being conducted contrary to law the supervisor may require said credit union to suspend operations until such condition is corrected.

Any communications from the supervisor to the board of directors must be read before said board at its next meeting and the reading noted in the minutes of the meeting.

NEW SECTION. Sec. 15. There is added to chapter 173, Laws of 1933 and to chapter 31.12 RCW a new section to read as follows:

The articles of incorporation of any state chartered credit union may be suspended or revoked, the credit union placed in involuntary liquidation and a liquidating agent therefor appointed upon the finding by the supervisor that the organization is bankrupt, or insolvent.

NEW SECTION. Sec. 16. There is added to chapter 173, Laws of 1933 and to chapter 31.12 RCW a new section to read as follows:

Except as otherwise provided in this chapter, the supervisor, before suspending or revoking the articles of incorporation of a credit union and placing the credit union in liquidation, shall cause to be served on the credit union concerned a notice of intention to suspend or revoke the articles, a statement of the reasons for such proposed action and an order directing the credit union concerned to show cause why its articles of incorporation should not be suspended or revoked. Service of the order to show cause shall be either (1) by mail addressed to the credit union concerned at the last address of its office as shown by the records of the division of savings and loan or (2) by personal delivery to any of the officers or members of

the board of directors of the credit union. The order shall be returned to the division of savings and loan. No oral hearing shall be held on such order to show cause, but the credit union concerned may file with the division of savings and loan, within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why its articles of incorporation should not be suspended or revoked. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the credit union concerned authorizing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the articles of incorporation should not be suspended or revoked are found to be insufficient by the supervisor, he may order the articles of incorporation be suspended or revoked and may order the credit union placed in involuntary liquidation. If the credit union is ordered to be liquidated the supervisor shall designate the liquidating agent in the order directing the liquidation. A copy of the order directing the suspension or revocation and where proper, of the order directing the involuntary liquidation and of the appointment of a liquidating agent, and a statement of the findings on which the order is based, shall be served on the credit union concerned. Such service shall be either (1) by mail addressed to the credit union concerned at the last address of its office as shown by the records of the division of savings and loan or (2) by personal delivery to any officer or member of the board of directors of the credit union concerned.

NEW SECTION. Sec. 17. There is added to chapter 173, Laws of 1933 and to chapter 31.12 RCW a new section to read as follows:

On receipt of a copy of the order placing the credit union in involuntary liquidation, the officers and directors of the credit union concerned shall deliver to the liquidating agent possession and control of all books, records, assets, and property of every description of the credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said credit union and to wind up its affairs in accordance with the instructions and procedures issued to said liquidating agent by the supervisor.

NEW SECTION. Sec. 18. There is added to chapter 173, Laws of 1933 and to chapter 31.12 RCW a new section to read as follows:

On the completion of the liquidation and certification by the liquidating agent that the distribution of assets of the credit union has been completed, the supervisor shall cancel the articles of incorporation of the credit union concerned.

NEW SECTION. Sec. 19. If any provision of this 1973 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 March 9, 1973.

Passed the House March 19, 1973.

Approved by the Governor March 27, 1973.

Filed in Office of Secretary of State March 27, 1973.

CHAPTER 9
[House Bill No. 304]
SCHOOL DISTRICTS--EMPLOYEES' INSURANCE
COVERAGE--CONTRIBUTION LIMIT REMOVED

AN ACT Relating to education; amending section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 269, Laws of 1971 ex. sess. and RCW 28A.58.420, and amending section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 269, Laws of 1971 ex. sess. and RCW 28B.10.660.

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

Section 1. Section 28A.58.420, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 269, Laws of 1971 ex. sess. 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, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, 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 all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents ((in an amount no to exceed twenty dollars per month per employee covered)). The premiums on such liability insurance shall be borne by the school district. The premiums due on such protection or insurance shall be borne by the assenting school board member or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.

Sec. 2. Section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 269, Laws of 1971 ex. sess. 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, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, 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 all or a part of the cost of such protection or insurance for the employees of their respective institutions and their dependents ((in an amount not to exceed twenty dollars per month per employee covered)). The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such protection or insurance shall be borne by the assenting regent, trustee or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW.

Passed the House March 9, 1973.

Passed the Senate March 20, 1973.

Approved by the Governor March 28, 1973.

Filed in Office of Secretary of State March 28, 1973.

CHAPTER 10

[Engrossed Senate Bill No. 2069]
JUSTICE COURTS--APPOINTED DEFENSE
COUNSEL--PAYMENT AUTHORIZED

AN ACT Relating to the income of justice courts; authorizing the payment of court appointed defense counsel from justice court suspense funds; amending section 109, chapter 299, Laws of 1961 as last amended by section 3, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.050; amending section 111, chapter 299, Laws of 1961 and RCW 3.62.070; and declaring an emergency.

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

Section 1. Section 109, chapter 299, Laws of 1961 as last amended by section 3, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.050 are each amended to read as follows:

Quarterly, the county treasurer shall determine the total expenditures of the justice courts, including the cost of providing courtroom and office space ((and including)), the cost of probation

and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense except costs of defense to be paid by a city pursuant to RCW 3.62.070. The treasurer shall then transfer an amount, equal to the total expenditures, from the justice court suspense fund to the current expense fund. The treasurer shall then, using the percentages established as in RCW 3.62.015 provided remit the appropriate amounts of the remaining balance in the justice court suspense fund to the state general fund and to the appropriate city treasurer(s). The final remaining balance of the justice court suspense fund shall then be remitted as specified by the county commissioners.

Sec. 2. Section 111, chapter 299, Laws of 1961 and RCW 3.62.070 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46, in every criminal action filed by a city for an ordinance violation the city shall be charged a four dollar filing fee. In such criminal actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the four dollar filing fee and shall be paid by the city. In all other criminal actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars of each fine or penalty shall be deemed filing costs.

NEW SECTION. Sec. 3. This 1973 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 February 10, 1973.

Passed the House March 20, 1973.

Approved by the Governor March 28, 1973.

Filed in Office of Secretary of State March 28, 1973.

CHAPTER 11

[House Bill No. 291]

COUNTY ASSESSORS--ASSISTANTS, DEPUTIES--PRIVATE
APPRAISING--PROHIBITED

AN ACT Relating to county assessors; and amending section 36.21.011, chapter 4, Laws of 1963 as last amended by section 2, chapter 85, Laws of 1971 ex. sess. and RCW 36.21.011.

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

Section 1. Section 36.21.011, chapter 4, Laws of 1963 as last amended by section 2, chapter 85, Laws of 1971 ex. sess. and RCW 36.21.011 are each amended to read as follows:

Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified persons to act as his assistants or deputies who shall not engage in the private practice of appraising within the county in which he is employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

If an assessor intends to put such plan into effect in his county, he shall inform the department of revenue and the board of county commissioners of this intent in writing. The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be

appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan.

Passed the House March 24, 1973.

Passed the Senate March 22, 1973.

Approved by the Governor April 3, 1973.

Filed in Office of Secretary of State April 3, 1973.

CHAPTER 12

[Senate Bill No. 2268]

LAND DEVELOPMENT ACT

AN ACT Relating to the regulation of the sale of lands; creating a new chapter in Title 58 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The legislature finds and declares that the sale and offering for sale of land or of interests in associations which provide for the use or occupancy of land touches and affects a great number of the citizens of this state and that full and complete disclosure to prospective purchasers of pertinent information concerning land developments, including any encumbrances or liens which might attach to the land and the physical characteristics of the development as well as the surrounding land, is essential. The legislature further finds and declares that a program of state registration and of publication and delivery to prospective purchasers of a complete and accurate public offering statement is necessary in order to adequately protect both the economic and physical welfare of the citizens of this state. It is the purpose of this chapter to provide for a reasonable program of state registration and regulation of the sale and offering for sale of any interest in significant land developments within or without the state of Washington, so that the prospective purchasers of such interests might be provided with full, complete, and accurate information of all pertinent circumstances affecting their purchase.

NEW SECTION. Sec. 2. When used in this chapter, unless the context otherwise requires:

(1) "Blanket encumbrance" shall mean a trust deed, mortgage, mechanic's lien, or any other lien or encumbrance, securing or evidencing the payment of money and affecting the land to be developed or affecting more than one lot or parcel of developed land, or an agreement affecting more than one such lot or parcel by which the developer holds said development under option, contract, sale, or trust agreement. The term shall not include taxes and assessments levied by a public authority.

(2) "Director" means the director of the department of motor vehicles or his authorized designee.

(3) "Developer" means any owner of a development who offers it for disposition, or the principal agent of an inactive owner.

(4) "Development" or "developed lands" means land which is divided or is proposed to be divided for the purpose of disposition into ten or more lots, parcels, or units (excluding interests in camping clubs regulated under chapter 19.105 RCW) and any other land whether contiguous or not, if ten or more lots, parcels, units, or interests are offered as a part of a common promotional plan of advertising and sale.

(5) "Disposition" includes any sale, lease, assignment, or exchange of any interest in any real property which is a part of or included within a development, and also includes the offering of property as a prize or gift when a monetary charge or consideration for whatever purpose is required in conjunction therewith, and any other transaction concerning a development if undertaken for gain or profit.

(6) "Offer" includes every inducement, solicitation, or media advertisement which has as a principal aim to encourage a person to acquire an interest in land.

(7) "Hazard" means all existing or proposed unusual conditions relating to the location of the development, noise, safety, or other nuisance which affect or might affect the development.

(8) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

(9) "Purchaser" means a person who acquires or attempts to acquire or succeeds to any interest in land.

(10) "Residential buildings" shall mean premises that are actually intended or used as permanent residences of the purchasers and that are not devoted exclusively to any other purpose.

NEW SECTION. Sec. 3. (1) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to land and offers or dispositions:

(a) By a purchaser of developed lands for his own account in a single or isolated transaction;

(b) If fewer than ten separate lots, parcels, units, or interests in developed lands are offered by a person in a period of twelve months;

(c) If each lot offered in the development is five acres or more;

(d) On which there is a residential, commercial, or industrial

building, or as to which there is a legal obligation on the part of the seller to construct such a building within two years from date of disposition;

(e) To any person who acquires such lot, parcel, unit or interest therein for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings or for the purpose of resale or lease or other disposition of such lots to persons engaged in such business or businesses;

(f) Any lot, parcel, unit or interest if the development is located within an area incorporated prior to the effective date of this 1973 act;

(g) Pursuant to court order; or

(h) As cemetery lots or interests.

(2) Unless the method of disposition is adopted for the purpose of evasion of this chapter, the provisions of this chapter shall not apply to:

(a) Offers or dispositions of evidence of indebtedness secured by a mortgage or deed of trust of real estate;

(b) Offers or dispositions of securities or units of interest issued by a real estate investment trust regulated under any state or federal statute;

(c) A development as to which the director has waived the provisions of this chapter as provided in section 4 of this 1973 act;

(d) Offers or dispositions of securities currently registered with the division of securities of the department of motor vehicles;

(e) Offers or dispositions of any interest in oil, gas, or other minerals or any royalty interest therein if the offers or dispositions of such interests are regulated as securities by the United States or by the division of securities of the department of motor vehicles.

NEW SECTION. Sec. 4. The director may waive the provisions of this chapter for a development of twenty-five or fewer lots, parcels, units, or interests if he determines that the plan of promotion and disposition is primarily directed to persons in the local community in which the development is situated.

NEW SECTION. Sec. 5. Unless the development or the transaction is exempt by section 3 of this 1973 act:

(1) No person may offer or dispose of any interest in a development located in this state, nor offer or dispose of in this state any interest in a development located without this state prior to the time the development is registered in accordance with this chapter.

(2) Any contract or agreement for the purchase of an interest in a development, where the current public offering statement has not been given to the purchaser in advance or at the time of his signing,

shall be voidable at the option of the purchaser. A purchaser may revoke such contract or agreement within forty-eight hours, where he has received the public offering statement less than forty-eight hours before he signed the contract or agreement, and the contract or agreement shall so provide. Notice of revocation shall be made by written notice delivered to the seller or his agent. The time period of forty-eight hours shall not include all or any portion of a Saturday, Sunday, or legal holiday.

NEW SECTION. Sec. 6. An application for registration of a development shall be filed as prescribed by rules and regulations adopted by the director and shall contain the following documents and information:

(1) An irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

(2) A legal description of the development offered for registration, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units, or interests, and the relation of the development to existing streets, roads, and other off-site improvements;

(3) The states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the development by the regulator authorities in each jurisdiction or by any court;

(4) The name and address of each person having an ownership interest of five percent or more in the development together with the names, principal occupations, and addresses of every officer, director, partner, or trustee of the developer;

(5) A statement of the existing provisions for access, sewage disposal, potable water, and other public utilities in the development; a statement of the improvements to be installed, how they are going to be financed, the schedule for their completion; and a statement as to the provision for improvement maintenance. The statements required in this subsection shall include certificates from the appropriate governmental authorities certifying that the applicant has complied with all local health and planning and state and local subdivision requirements;

(6) A statement, in a form acceptable to the director, of the condition of the title to the development including easements of record, encumbrances, liens of record, blanket encumbrances, and the existence of partial release clauses, if any, as of a specified date within twenty days of the date of application, by title opinion of a title insurance company or licensed attorney, not a salaried employee, officer, or director of the applicant or owner, or by other

evidence of title acceptable to the agency;

(7) Copies of the instruments which will be delivered to a purchaser to evidence his interest in the development and of the contracts and other agreements which a purchaser will be required to agree to or sign;

(8) A statement, where the development is encumbered by a blanket encumbrance which does not contain an unconditional release clause, as to which alternative condition provided for in section 18 of this 1973 act the developer shall adopt;

(9) Copies of instruments creating easements, restrictions, or other encumbrances affecting the development;

(10) A statement of the zoning and other governmental regulations affecting the use of the development and also of any existing or proposed special taxes or assessments which affect the development;

(11) A narrative description of the promotional plan for the disposition of the development, together with copies of all advertising material which has been prepared for public distribution by any means of communication;

(12) A statement of any hazard on or around the development;

(13) The proposed public offering statement;

(14) Any other information, including any current financial statement, which the director by its rules and regulations requires for the protection of purchasers.

NEW SECTION. Sec. 7. The proposed public offering statement, required to be submitted as part of the application for registration, shall be on a form prescribed by rules and regulations adopted by the director and shall include the following:

(1) The name and principal address of the developer;

(2) A general description of the development stating the total number of lots, parcels, units, or interests in the offering;

(3) The significant terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the development and each unit or lot, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the development;

(4) A statement of the use for which the property is offered;

(5) Information concerning improvements, including streets, potable water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities, customary utilities, and recreational facilities, and the estimated cost, means of financing, date of completion, and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in a development;

(6) A statement of any hazard on or around the development;

(7) Additional information required by the director to assure full and fair disclosure to prospective purchasers.

NEW SECTION. Sec. 8. Upon receipt of an application for registration in proper form, the director shall immediately initiate an examination to determine that the following requirements are satisfied:

(1) The developer can convey or cause to be conveyed the interest in a development offered for disposition if the purchaser complies with the terms of the offer, and when appropriate, that release clauses, conveyances in trust, or other safeguards have been provided;

(2) The developer has complied with all local health and planning, and state and local subdivision requirements;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive, afford full and fair disclosure, and comply with the standards prescribed by the director in its rules and regulations;

(4) The developer has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving land dispositions or any aspect of the land sales business in this state, the United States, or any other state or foreign country within the past ten years and has or have not been subject to any injunction or administrative order or judgment entered under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of the provisions of RCW 19.86.020 within the past ten years restraining a false or misleading promotional plan involving land dispositions;

(5) The public offering statement requirements of this chapter have been satisfied.

NEW SECTION. Sec. 9. (1) Upon receipt of the application for registration in proper form, the director shall issue a notice of filing to the applicant. Within thirty days from the date of notice of filing for an in-state development or sixty days for an out-of-state development, the director shall enter an order registering the development or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing for an in-state development or sixty days for an out-of-state development, the land shall be deemed registered unless the applicant has consented in writing to a delay.

(2) If the director affirmatively determines, upon inquiry and examination that the requirements of section 8 of this 1973 act have been met, he shall enter an order registering the development and shall designate the form of the public offering statement.

(3) If the director determines upon inquiry and examination

that any of the requirements of section 8 of this 1973 act have not been met, the director shall notify the applicant that the application for registration must be corrected in the deficiencies specified. If the requirements for correction are not met, the director shall enter an order rejecting the registration which shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing.

NEW SECTION. Sec. 10. (1) Any development registered under the Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) shall, at the developer's request, be registered under this chapter if the developer:

(a) Files with the director a copy of his federal statement of record and property report and copies of all papers, documents, exhibits, and certificates he has filed with or received from the federal government in regard to his federal registration; and

(b) Complies with the provisions of section 18 of this 1973 act, dealing with blanket encumbrances.

Where a developer satisfies items (a) and (b) above, the federal property report for the development shall qualify and be accepted as the public offering statement under this chapter.

(2) State registration under this section shall only be valid and current so long as:

(a) The developer's federal registration is valid and current; and

(b) The director is promptly advised of any change in the developer's federal registration and is promptly provided with copies of all papers, documents, exhibits and certificates relating to the development which the developer has filed with or received from the federal government subsequent to the date on which his federal registration was granted.

(3) Except as provided otherwise in this subsection, the provisions of this chapter shall apply to developments registered under this section. Sections 6 through 9 and sections 11 through 13 of this 1973 act shall not apply to developments having a valid and current registration under this section.

NEW SECTION. Sec. 11. If the developer registers an additional development to be offered for disposition, he may consolidate the subsequent registration with any earlier registration offering a development for disposition under the same promotional plan.

NEW SECTION. Sec. 12. The developer shall immediately report to the director any material changes in the information contained in his application for registration. No change in the substance of the

promotional plan or plan of disposition or completion of the development may be made after registration without notifying the director and without making appropriate amendment of the public offering statement. A public offering statement is not current unless it incorporates all amendments.

NEW SECTION. Sec. 13. No portion of the public offering statement form may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the statement unless the director so requires.

NEW SECTION. Sec. 14. The public offering statement shall not be used for any promotional purposes. It may not be distributed to prospective purchasers before registration of the development and may be distributed afterwards only when it is used in its entirety. No person may advertise or represent that the state of Washington or the director, the department, or any employee thereof approves or recommends the development or disposition thereof.

NEW SECTION. Sec. 15. (1) If it appears to the director at any time that a public offering statement currently in effect includes any statement that is false, misleading, or deceptive, the director may, after notice and after opportunity for hearing (at a time fixed by the director) within fifteen days after such notice, issue an order suspending the public offering statement. When such statement has been amended in accordance with such order, the director shall so declare and thereupon the order of suspension shall cease to be effective.

(2) The director is hereby empowered to make an examination in any case to determine whether an order should issue under subsection (1) of this section. In making such examination, the director or anyone designated by the director shall have access to, and may demand the production of any books and papers of, and may administer oaths and affirmations to, and may examine, the developer, any agents, or any other person, in respect to any matter relevant to the examination. If the developer or any agents shall fail to cooperate, or shall obstruct or refuse to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the developer's public offering statement.

NEW SECTION. Sec. 16. A copy of the public offering statement issued on land within a development covered by this chapter shall be given by the director, upon oral or written request, to any member of the public.

NEW SECTION. Sec. 17. A copy of the public offering statement issued on land within a development covered by this chapter shall be given by the developer or his agents or salesmen, upon oral or written request, to every adult or head of a family who visits the site of a development as a prospective purchaser.

NEW SECTION. Sec. 18. It shall be unlawful for the developer to make a sale of lots or parcels within a development which is subject to a blanket encumbrance which does not contain, within its terms or by supplementary agreement, a provision which shall unconditionally provide that the purchaser of a lot or parcel encumbered thereby can obtain the legal title, or other interest contracted for, free and clear of the lien of such blanket encumbrance upon compliance with the terms and conditions of the purchase, unless the developer shall elect and comply with one of the following alternative conditions:

(1) The developer shall deposit in an escrow depository acceptable to the director: In cases where the blanket encumbrance does not provide for partial release, all or such portions of the money paid or advanced by the purchaser on any such lot or parcel within said development as the director shall determine to be sufficient to protect the interest of the purchaser; or in cases where the blanket encumbrance provides for partial releases thereof which are not unconditional, the developer shall deposit, at such time as the balance due to the developer from such purchasers is equal to the sum necessary to procure a release of such lots or parcels contracted for from the lien of such blanket encumbrance, all of the sums thereafter received from such purchasers until either:

(a) A proper release is obtained from such blanket encumbrance;

(b) Either the developer or the purchaser defaults under the sales contract and there is a forfeiture of the interest of the purchaser or there is a determination as to the disposition of such moneys, as the case may be; or

(c) The developer orders a return of such moneys to such purchaser.

(2) The title to the development is held in trust under an agreement of trust acceptable to the director until the proper release of such blanket encumbrance is obtained.

(3) A bond to the state of Washington or such other proof of financial responsibility is furnished to the director for the benefit and protection of purchasers of such lots or parcels in such an amount and subject to such terms, as may be approved by the director, which shall provide for the return of moneys paid or advanced by any purchaser on account of a sale of any such lot or parcel if a proper release from such blanket encumbrance is not obtained: PROVIDED, That if it should be determined that such purchaser, by reason of default, or otherwise, is not entitled to the return of such moneys or any portion thereof, such bond or other proof of financial responsibility shall be exonerated to the extent and in the amount thereof. The amount of the bond or other proof of financial

responsibility may be increased or decreased or a bond may be waived from time to time as the director shall determine.

NEW SECTION. Sec. 19. No person shall publish in this state any advertisement concerning a development subject to the registration requirements of this chapter after the director finds that the advertisement contains any statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order be rescinded. Upon receipt of such a written request, the matter shall be set down for hearing to commence within fourteen days after such receipt unless the person making the request consents to a later date. After such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such order and shall have all powers granted under such act.

NEW SECTION. Sec. 20. (1) The director may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder;

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by rule may administer oaths or affirmations, and upon his own motion or upon request of any party may subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge or relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 21. (1) If the director determines after

notice and hearing that a person has:

- (a) Violated any provision of this chapter;
- (b) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in developed lands;
- (c) Made any substantial change in the plan of disposition and completion of the development subsequent to the order of registration without obtaining prior written approval from the director;
- (d) Disposed of any interest in a development required to be registered under this chapter which has not been so registered with the director;
- (e) Violated any lawful order, rule or regulation of the director;

he may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the director will carry out the purposes of this chapter.

(2) If the director makes a finding of fact in writing that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director whenever possible by telephone or otherwise shall give notice of the proposal to issue a temporary cease and desist order to the person. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

(3) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order hereunder, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The director shall not be required to post a bond in any court proceedings.

NEW SECTION. Sec. 22. (1) A registration may be revoked after notice and hearing upon a written finding of fact that the developer has:

- (a) Failed to comply with the terms of a cease and desist order;
- (b) Been convicted in any court subsequent to the filing of the application for registration for a crime involving fraud, deception, false pretense, misrepresentation, false advertising, or dishonest dealing in real estate transactions;
- (c) Disposed of, concealed, or diverted any funds or assets of

any person so as to defeat the rights of development purchasers;

(d) Repeatedly failed to perform any stipulation or agreement made with the director as an inducement to grant any registration, to reinstate any registration, or to approve any promotional plan or public offering statement;

(e) Made intentional misrepresentations or concealed material facts in an application for registration.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(2) If the director finds after notice and hearing that the developer has been guilty of a violation for which revocation could be ordered, he may issue a cease and desist order instead of ordering revocation.

NEW SECTION. Sec. 23. In any suit by or against a developer involving his development, the developer promptly shall furnish the director notice of the suit and copies of all pleadings. This section shall not apply where the director is a party to the suit.

NEW SECTION. Sec. 24. Proceedings for judicial review shall be in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 25. The director shall prescribe reasonable rules and regulations in order to implement this chapter and such rules and regulations shall be adopted, amended, or repealed in compliance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 26. In addition to the powers granted the director under other sections of this chapter, the director may:

(1) Intervene in a suit involving a development registered under this chapter;

(2) Accept information contained in registrations filed in other states;

(3) Contract with similar agencies in this state, any other state, or with the federal government to perform investigative functions;

(4) Accept grants in aid from any source;

(5) Cooperate with similar agencies in other states and with the federal government to establish, insofar as practical, uniform filing procedures and forms, uniform public offering statements, advertising standards and rules, and common administrative practices.

NEW SECTION. Sec. 27. (1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act, chapter 19.86 RCW, as now or hereafter amended.

(2) The director may refer such evidence as may be available to him concerning violations of this chapter 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 chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

NEW SECTION. Sec. 28. Dispositions of an interest in a development are subject to this chapter, and the superior courts of this state have jurisdiction in claims or causes of action arising under this chapter, if:

- (1) The interest in a development offered for disposition is located in this state;
- (2) The developer maintains an office in this state; or
- (3) Any offer or disposition of an interest in a development is made in this state, whether or not the offeror or offeree is then present in this state, if the offer originates within this state or is directed by the offeror to a person or place in this state and received by the person or at the place to which it is directed.

NEW SECTION. Sec. 29. The fees for applications required under this chapter shall be as prescribed under this section.

(1) Except as provided in subsection (3) of this section, the fee which shall accompany each application for registration shall be computed according to the number of units (meaning lots, parcels, or interests) in the development as provided in the following schedule:

1-50.....	\$ 250
51-100.....	300
101-150.....	350
151-200.....	400
201-250.....	450
251-300.....	500
301-350.....	550
351-400.....	600
401-450.....	650
451-500.....	700
501-550.....	750
551-600.....	800
601-650.....	850
651-700.....	900

701-750.....	950
751-800.....	1,000
801-850.....	1,025
851-900.....	1,050
901-950.....	1,075
951-1,000.....	1,100
1,001-1,050.....	1,125
1,051-1,100.....	1,150
1,101-1,150.....	1,175
1,151-1,200.....	1,200
1,201-1,250.....	1,225
1,251-1,300.....	1,250
1,301-1,350.....	1,275
1,351-1,400.....	1,300
1,401-1,450.....	1,325
1,451-1,500.....	1,350
1,501-1,550.....	1,375
1,551-1,600.....	1,400
1,601-1,650.....	1,425
1,651-1,700.....	1,450
1,701-1,750.....	1,475
1,751-or more.....	1,500

(2) The fee which shall accompany each application for a waiver of the provisions of this chapter shall be fifty dollars.

(3) The fee which shall accompany each application for registration of a development already registered under the federal Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) shall be two hundred and fifty dollars.

NEW SECTION. Sec. 30. If, after disposition of all or any portion of a development which is covered by this chapter, a condition constituting a hazard is discovered on or around the development, the developer or government agency discovering such condition shall notify the director immediately. After receiving such notice, the director shall forthwith take all steps necessary to notify the owners of the affected lands either by transmitting notice through the appropriate county assessor's office or such other steps as might reasonably give actual notice to the owners.

NEW SECTION. Sec. 31. Any person selling land or other interests in a development prior to January 1, 1974, and who intends to continue selling such land or interests, shall have until March 1, 1974, to perfect his registration under this chapter. During the period from January 1, 1974 to March 1, 1974, he may continue selling such land or other interest in the development without having procured registration under this chapter.

NEW SECTION. Sec. 32. The provisions of section 18 of this

1973 act shall not apply to any development where either:

(1) Each lot contained in the development is included in a final plat approved prior to January 1, 1974, pursuant to chapter 58.17 RCW or any platting and subdivision ordinance of any Washington county, city, or town; or

(2) The development is registered with the federal government pursuant to the Interstate Land Sales Full Disclosure Act (82 Stat. 590-599; 15 U.S.C. Sec. 1701-1720) and such registration was granted prior to January 1, 1974.

NEW SECTION. Sec. 33. The provisions of this chapter shall be construed liberally so as to give effect to the purposes stated in section 1 of this 1973 act.

NEW SECTION. Sec. 34. This chapter shall become effective January 1, 1974: PROVIDED, That prior to January 1, 1974, the director is authorized and empowered to undertake and perform duties and conduct activities necessary for the implementation of this chapter upon its becoming effective.

NEW SECTION. Sec. 35. This chapter may be cited as the Land Development Act of 1973.

NEW SECTION. Sec. 36. If any provision of this 1973 act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this 1973 act are severable.

NEW SECTION. Sec. 37. Sections 1 through 36 of this act shall constitute a new chapter in Title 58 RCW.

Passed the Senate March 20, 1973.

Passed the House March 30, 1973.

Approved by the Governor April 9, 1973.

Filed in Office of Secretary of State April 9, 1973.

CHAPTER 13
[Engrossed Senate Bill No. 2525]
CHARITABLE FUND SOLICITATION--
REGULATION

AN ACT Relating to the solicitation of funds for charity; adding a new chapter to Title 19 RCW; providing penalties; and prescribing effective dates.

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

NEW SECTION. Section 1. The purpose of this chapter is to protect the general public and public charity in the state of Washington; to require full public disclosure of facts relating to persons and organizations who solicit funds from the public for public charitable purposes, the purposes for which such funds are solicited, and their actual uses; and to prevent deceptive and dishonest statements and conduct in the solicitation of funds for or in the name of charity.

NEW SECTION. Sec. 2. When used in this chapter, unless the context otherwise requires:

(1) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(2) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights, and not merely that portion of the purchase price to be applied to a charitable purpose.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) "Director" means the director of the department of motor vehicles.

(5) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

(6) "Parent organization" means that part of a charitable organization which coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

(7) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

(8) "Professional fund raiser" means any person who, for compensation, plans, conducts, or manages any drive or campaign in this state for the purpose of soliciting contributions for or on

behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers or professional solicitors: (a) Bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; who is employed and engaged as such officer or employee principally in connection with activities other than soliciting contributions or managing the solicitation of contributions and whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of section 3 of this 1973 act.

(9) A "professional solicitor" means a person other than a professional fund raiser who is employed for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state.

(10) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

(11) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

NEW SECTION. Sec. 3. Except as otherwise specifically provided in other sections of this chapter, this chapter shall not apply to the following:

(1) Any organizations which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds, when the solicitation of

contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

The term "membership" shall not include those persons who are granted membership upon making a contribution as the result of a solicitation.

(2) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed the two thousand dollars in any six month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

(3) Any charitable organization which does not solicit and collect contributions in this state in excess of two thousand dollars in any six month period if all such fund raising functions are carried on by persons who are unpaid for their services.

NEW SECTION. Sec. 4. Any charitable organization which ceases to be exempt under the provisions of section 3 of this 1973 act shall register, within thirty days after the date the charitable organization ceases to be exempt, with the director as required under section 6 of this 1973 act.

NEW SECTION. Sec. 5. A professional fund raiser is not exempted from any provision of this chapter solely by reason of his acting for an organization exempted under the provisions of section 3 of this 1973 act.

NEW SECTION. Sec. 6. Except as otherwise provided in this chapter, no person may solicit contributions on behalf of any charitable organization from persons in this state by any means whatsoever prior to the time the charitable organization is registered in accordance with this chapter.

NEW SECTION. Sec. 7. An application for registration of a charitable organization, as provided by section 6 of this 1973 act, shall be filed as prescribed by rules and regulations which the director may adopt and shall contain the following documents and information:

(1) The name of the charitable organization and the name under which it intends to solicit contributions;

(2) The addresses of all offices, if any, maintained by the charitable organization in the state of Washington and the names and addresses of its chapters, branches, and affiliates in this state;

(3) The names and addresses of its directors, trustees, and

other officers and key personnel. The term "key personnel" means: (a) Any officers, employees, or other personnel who are directly in charge of any of the fund-raising activities of the charitable organization; and (b) the officers or individuals maintaining custody of the organization's financial records and the officers or individuals who will have custody of the contributions;

(4) The location of the organization's financial records in the state of Washington;

(5) Methods by which solicitation will be made, including a statement as to whether such solicitation is to be conducted by voluntary unpaid solicitors, by paid solicitors, or both, and a narrative description of the promotional plan together with copies of all advertising material which has been prepared for public distribution by any means of communication and any location of any telephone solicitation facilities;

(6) The names and addresses of any professional fund raisers and professional solicitors who are acting or who have agreed to act on behalf of the charitable organization together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions, or other remuneration to be paid the professional fund raisers and professional solicitors;

(7) The general purpose for which the charitable organization is organized;

(8) Where and when the organization was legally established, the form of its organization, and its federal tax exempt status;

(9) The purposes for which the contributions to be solicited will be used, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(10) The period of time during which the solicitation will be made and if less than state-wide, the area or areas in which such solicitation will generally take place;

(11) A financial statement of any funds collected for charitable purposes by the applicant for the last preceding fiscal year. Said statement giving the amount of money so raised together with the cost of solicitations and final distribution of the balance. The financial statement shall be submitted on a uniform reporting form provided by the director;

(12) An irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

(13) Whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions;

(14) Such other information as may be reasonably required, by the director, in the public interest or for the protection of contributors.

If there is any change, while any application is pending, in fact, policy, or method that would alter the information given in the application, the applicant shall notify the director in writing thereof within five days, excluding Saturdays, Sundays and legal holidays after such change.

NEW SECTION. Sec. 8. The registration statement, and any other documents prescribed by the director, shall be signed under oath by the president, or other authorized officer, and the chief fiscal officer of the charitable organization. Such registration shall be effective for the period requested by the charitable organization in its registration statement but such period shall not exceed one year. The director may adopt regulations providing for the annual renewal of registrations by charitable organizations having continuing or annually recurring fund raising campaigns. Renewals shall be accompanied by such information as may be required to bring the registration statement up to date.

NEW SECTION. Sec. 9. Where any chapter, branch, affiliate, or area division of a charitable organization is supervised and controlled by a superior or parent organization which is incorporated, qualified to do business, or doing business within this state such chapter, branch, affiliate, or area division shall not be required to register under section 6 of this 1973 act if the superior or parent organization files a registration statement, on behalf of its subsidiary, in addition to or as a part of its own registration statement. Where a registration statement has been filed by a superior or parent organization, on behalf of such subsidiary organization, it shall file any reports required of the subsidiary organization, under this chapter, in addition to or as part of its own report, but the accounting information so required shall be set forth separately and not in consolidated form with respect to every such chapter, branch, affiliate, or division which solicits, collects, or expends more than four thousand dollars in any fiscal year.

NEW SECTION. Sec. 10. Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that:

(1) The cost of solicitation for direct gifts shall not exceed twenty percent of the total gross amount to be raised or for sale and benefit affairs shall not exceed fifty-five percent of the total gross amount to be raised; and of this fifty-five percent, not more than twenty percent shall be paid for all wages, fees, commissions, salaries, and emoluments paid or to be paid to all salesmen,

solicitors, collectors, and professional fund raisers. If it appears that the cost of soliciting will exceed the percentages listed above, and except for that, the registration would otherwise be granted, the director may enter an order registering the charitable organization, upon a showing that special reasons make a cost higher than twenty percent or said fifty-five percent, or said twenty percent, respectively, reasonable in the particular case;

(2) The charitable organization has complied with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive and its rules and regulations, which the director may adopt, comply with the standards prescribed by the director and which afford full and fair disclosure;

(4) The charitable organization has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

NEW SECTION. Sec. 11. (1) Upon receipt of the application for registration, in proper form, the director shall issue a notice of filing to the applicant. Within thirty days from the date of the notice of filing, the director shall enter an order registering the charitable organization or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing, the charitable organization shall be deemed registered unless the applicant has consented, in writing, to a delay.

(2) If the director affirmatively determines, upon inquiry and examination that the requirements of section 10 of this 1973 act have been met he shall enter an order registering the charitable organization.

(3) If the director determines, upon inquiry and examination, that any of the requirements of section 10 of this 1973 act have not been met, the director shall notify the applicant that the application for registration must be corrected in the deficiencies specified. If the requested corrections are not complied with, the director shall enter an order rejecting the registration, such order shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for

reconsideration and shall be entitled to a hearing.

NEW SECTION. Sec. 12. (1) Any charitable organization mentioned under section 3(3) of this 1973 act:

(a) Before conducting any solicitation give written notice to the director stating its intention to solicit funds, the basis of its exemption, the purpose of such solicitation, the approximate percentage of collections, after deductions for expenses, to be actually devoted to that purpose, and when and in what area or areas such solicitation will be conducted. Written notice shall be given to the director by the organization, or by someone in its behalf, at least three days in advance of such solicitation, and if it is sent by registered or certified mail such notice shall be deemed given when deposited in the United States mail. The notice requirement of this section shall constitute a registration statement which shall be construed as registration under the provisions of this chapter.

(b) In the event that any organization, under this section, solicits and collects funds in excess of five hundred dollars during any year, such organization shall file a short form report conforming to the provisions of section 13 of this 1973 act. The director may require the furnishing of any further details as may be necessary for complete reporting and disclosure within the purposes of this section.

(2) No fees shall be collected in connection with any notice, registration, or report filed under this section.

NEW SECTION. Sec. 13. (1) When the filing of a short form report is required, the form of the report shall be substantially as follows:

CHARITABLE SOLICITATIONS
SHORT FORM REPORT

Name of Organization.....
Period Covered by This Report.....
Gross Amount of Funds Collected for Each Purpose (list each purpose and amount separately).....
Gross Amount of Additional Funds Pledged for Each purpose.....
Amount Applied to Each Purpose for Which Collected.....
Additional Amount (if any) to be Applied for Each Purpose.....
Amount Expended and to be Expended for Expenses of Solicitation....

.....
(Signature and business address of party signing)

(2) The short form report shall be signed by the officer or employee who regularly keeps the books or records of the organization. The signature shall be a certification of the correctness of the report. The report shall be filed with the director by the organization required to file the same within ninety

days after the close of its fiscal year.

NEW SECTION. Sec. 14. A registration filed with the director by a charitable organization, under the provisions of this chapter, shall be kept current during its effective term by the charitable organization, professional fund raiser, or professional solicitor. Such current status shall be maintained by the filing of amendments with the director, in the form prescribed by him, within ten days after any material change in the information previously furnished to the director.

The following changes shall be construed as material for the purposes of this section:

(1) Any change in the name of the organization.

(2) Any addition or substitution in the names of its salaried or otherwise compensated directors, trustees, other officers, key personnel, or professional fund raisers; or any change in the reported addresses or duties of the officers or individuals who keep the records or are in custody of the contributions.

(3) Any change, amounting to five percent or more, in the remuneration to be paid to any professional fund raisers or professional solicitors.

(4) Any change in the general purposes of the organization, intended use of the contributions, or period of time for solicitation, or general areas in which such solicitation was to take place or telephone solicitation facilities.

(5) Any change in other facts which are declared material by rule or regulation of the director.

NEW SECTION. Sec. 15. The director shall establish and maintain a register or registers of charitable organizations and persons who have registered under this chapter.

NEW SECTION. Sec. 16. Registration under this chapter shall not be deemed to constitute endorsement, by the state of Washington, of any charitable organization so registered and no person or charitable organization shall intentionally claim or infer, directly or indirectly any such endorsement by reason of its registration.

NEW SECTION. Sec. 17. The registration and all information, documents, and reports filed with the director under this chapter are matters of public record and shall be, subject to reasonable regulation, open to public inspection.

NEW SECTION. Sec. 18. Every person soliciting contributions for or on behalf of a charitable organization which is required to file or have filed in its behalf a registration statement, under this chapter, shall have readily available for prospective contributors an identification card which shall include the following information in legible form:

(1) The name of the charitable organization for which the

contributions are solicited.

(2) A statement that the charitable organization has filed a registration statement with the director and the date such registration was filed.

(3) Such other information, from the registration statement, as may be required by reasonable rule or regulation of the director for the protection of the public.

The director may prescribe the form of such identification card. The card shall be exhibited to any person from whom a contribution is requested or, on demand, to any police or law enforcement officer.

NEW SECTION. Sec. 19. Every person employed or retained as a professional fund raiser or professional solicitor by or for a charitable organization shall file with the director a valid registration or renewal of such registration. Applications for such registration shall be in writing, under oath, and in the form prescribed by the director. The form shall require information as to the identity and previous related activities of the registrant as may be necessary or appropriate for the public interest or for the protection of contributors. In addition, a professional fund raiser shall file, at the time of making application, with and have approved by the director a surety bond executed by the applicant as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall run to the director for the use of the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation. Registration, when effected, shall be for a period of one year, or any part thereof, expiring on the last day of December and may be renewed for additional periods unless rejected for legally sufficient cause or for failure to file the bond prescribed in this section. The additional periods shall be for not more than one calendar year or such shorter period as the director may prescribe by regulation.

NEW SECTION. Sec. 20. Charitable organizations and professional fund raisers, required to be registered under this chapter, shall maintain accurate, current, and readily available books and records at their usual business locations, as designated in the registration statement filed with the director, until at least three years shall have elapsed following the effective period to which they relate.

All contracts between professional fund raisers and charitable organizations shall be in writing and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization and/or professional fund

raiser for a three-year period as provided in this section. Such records and contracts shall be available for inspection and examination by the director. A copy of such contract or record shall be mailed to or filed with the director by the charitable organization or professional fund raiser, within ten days, following receipt of a written demand therefor from the director.

NEW SECTION. Sec. 21. (a) Within ninety days following the close of its fiscal year every charitable organization which is required to file a registration statement under section 6 of this 1973 act and which has received contributions during the previous fiscal year shall file with the director a financial statement, verified by an independent public accountant, containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation.

NEW SECTION. Sec. 22. (1) If it appears to the director, at any time, that any organization has failed to comply with any requirement of section 21 of this 1973 act or failed to file any required report, the director following notice, and after an opportunity for a hearing (at a time fixed by the director) within fifteen days after such notice, shall issue an order suspending the registration. When such requirement has been fulfilled or the information has been filed in accordance with such order, the director shall so declare and thereupon the order shall cease to be effective.

(2) The director is hereby empowered to make an examination in

any case to determine whether an order should issue under subsection (1) of this section. In making such examination the director, or his designee, shall have access to, and may demand the production of any books and papers of, and may administer oaths and affirmations to, and may examine the charitable organization, any agents, or any other person, in respect to any matter relevant to the examination. If the charitable organization or any agents shall fail to cooperate or shall obstruct or refuse to permit the making of an examination such conduct shall be proper grounds for the issuance of an order suspending the registration.

NEW SECTION. Sec. 23. No person who is required to register under this chapter shall knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person: PROVIDED, That such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, professional fund raiser, or professional solicitor of such person registering under this chapter.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

NEW SECTION. Sec. 24. No charitable organization, professional fund raiser, or other person soliciting contributions for or on behalf of a charitable organization shall use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

NEW SECTION. Sec. 25. No person shall publish any advertisement, in this state, with respect to a charity, which is subject to the registration requirements of this chapter, following the director's determination that such advertisement contains statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may, in writing, request the order be rescinded. Upon receipt of a written request the matter shall be set for a hearing to commence within fourteen days following receipt of the request unless the person making the request consents to a later date. Following such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW,

the director shall determine whether to affirm and continue or to rescind such order pursuant to the powers granted under such act.

NEW SECTION. Sec. 26. (1) The director may:

(a) Make necessary public or private investigations within or without the state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order hereunder, or to aid in the enforcement of this chapter, or in the prescribing of rules and forms hereunder;

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by rule may administer oaths or affirmations and upon the director's own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things together with the identity and location of persons having knowledge, relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence:

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer, and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 27. (1) If the director determines following notice and hearing that a person has:

(a) Violated any provision of this chapter;

(b) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional, or sales methods in soliciting for a charitable organization;

(c) Made any substantial change in the method of solicitation or promotional plan subsequent to the order of registration without obtaining prior written approval from the director;

(d) Made any solicitation for or on the behalf of any charitable organization required to be registered under this chapter which has not been so registered with the director;

(e) Violated any lawful order, rule, or regulation of the director;

(f) He may issue an order requiring the person to cease and desist from the unlawful practice and take such affirmative action as

in the judgment of the director will carry out the purposes of this chapter.

(2) If the director makes a finding of fact, in writing, that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director whenever possible shall give notice, by telephone or otherwise, of the proposal to issue a temporary cease and desist order to the person to whom it should be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

(3) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order hereunder, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order hereunder. Upon proper showing injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The director is not required to post a bond in any court proceedings.

NEW SECTION. Sec. 28. (1) A registration may be revoked, following notice and hearing, upon a written finding of fact that the charitable organization, professional fund raiser or professional solicitor has:

(a) Failed to comply with the terms of a cease and desist order;

(b) Been convicted in any court, subsequent to the filing of the application for registration, for a crime involving fraud, deception, false pretense, misrepresentation, false advertising, or dishonest dealing in charity solicitation;

(c) Failed to faithfully perform any stipulation or agreement made with the director as an inducement to grant any registration or to reinstate any registration or to approve any promotional plan or method of solicitation;

(d) Made intentional misrepresentations or concealed material facts in an application for registration.

Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(2) If the director finds, following notice and hearing, that the charitable organization, professional fund raiser or professional solicitor has been guilty of a violation for which revocation could be ordered, he may issue a cease and desist order instead.

NEW SECTION. Sec. 29. In any suit by or against a charitable

organization such charitable organization shall promptly furnish the director notice of the suit and copies of all pleadings. This section shall not apply where the director is a party to the suit.

NEW SECTION. Sec. 30. Proceedings for judicial review shall be in accordance with the provisions of the Administrative Procedure Act, chapter 34.04. RCW.

NEW SECTION. Sec. 31. The director shall prescribe reasonable rules and regulations in order to implement this chapter and such rules and regulations shall be adopted, amended, or repealed in compliance with the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 32. In addition to the powers granted the director under other sections of this chapter, the director shall have the powers prescribed under this section. The director may:

(1) Intervene in a suit involving a charitable organization registered under this chapter;

(2) Bring legal action in the superior court to recover any money collected in violation of this chapter. In the event the director recovers any amount under this section, the court shall as part of its judgment direct the manner in which the amount shall be applied. In so doing the court shall order the director to pay such amount to a reputable charitable organization, which in the court's opinion has charitable purposes similar to or identical with the proclaimed purposes of the organization or person which had solicited and collected the amount. The court may in its discretion award reasonable attorney's fees to the state out of any funds so recovered.

(3) Accept information contained in registrations filed in other states;

(4) Contract with similar agencies in this state, any other state, or with the federal government to perform investigative functions;

(5) Accept grants-in-aid from any source;

(6) Cooperate with similar agencies in this state, any other state, and with the federal government to establish, insofar as practical, uniform filing procedures and forms, uniform public offering statements, advertising standards, rules, and common administrative practices.

NEW SECTION. Sec. 33. This chapter does not annul, alter, affect, or exempt any person from complying with the applicable provisions of all municipal and county codes, ordinances, and regulations except to the extent that those municipal and county codes, ordinances, and regulations are inconsistent with any provision of this chapter and then only to the extent of the inconsistency.

NEW SECTION. Sec. 34. (1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of application of the Consumer Protection Act, chapter 19.86 RCW.

(2) The director may refer such evidence, as may be available to him, concerning violations of this chapter, or of any rule or regulation adopted thereof, to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose. In addition to any other action they might commence, the attorney general or the county prosecutor may bring an action in the name of the state, with or without such reference, against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter.

NEW SECTION. Sec. 35. To defray the cost of administering this chapter the director shall collect the following fees: For filing a registration of a charitable organization, fifteen dollars; for renewal of such registration, five dollars; for filing each separate financial statement of the solicitation of funds by a charitable organization, ten dollars; for filing the registration of a professional fund raiser, fifty dollars; for filing the registration of a professional solicitor, five dollars: PROVIDED, That no specific fee provided for under this section shall be collected from any person or organization more than once in any calendar year.

All such fees, when received by the director, shall be transmitted to the state treasurer.

NEW SECTION. Sec. 36. The director shall refuse to accept or file the registration of a charitable organization or of any other person who has not complied with the provisions of this chapter.

NEW SECTION. Sec. 37. Except as provided in this section, this chapter shall not take effect until January 1, 1974. The director may, prior to such date, adopt regulations for the implementation of this chapter, but such regulations shall not take effect until January 1, 1974, or thereafter.

NEW SECTION. Sec. 38. The provisions of this chapter are severable, and if any part or provision hereof shall be void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this chapter.

NEW SECTION. Sec. 39. Sections 1 through 39 of this 1973 act shall constitute a new chapter in Title 19 RCW.

Passed the Senate March 23, 1973.

Passed the House March 29, 1973.

Approved by the Governor April 9, 1973.

Filed in Office of Secretary of State April 9, 1973.

CHAPTER 14
[Engrossed Senate Bill No. 2071]
JUSTICES OF THE PEACE--
NUMBER--QUALIFICATION

AN ACT Relating to justices of the peace; and amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 147, Laws of 1971 ex. sess.; amending section 11, chapter 299, Laws of 1961 as last amended by section 2, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.020; and adding a new section to chapter 3.34 RCW.

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

Section 1. Section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 147, Laws of 1971 ex. sess. and RCW 3.34.010 are each amended to read as follows:

The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, ~~((one))~~ two; Lincoln, two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six; PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020.

Section 2. Section 11, chapter 299, Laws of 1961 as last amended by section 2, chapter 23, Laws of 1970 ex. sess. and RCW 3.34.020 are each amended to read as follows:

In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred

twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: PROVIDED, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following: PROVIDED FURTHER, That upon any redistricting of the county thereafter RCW 3.34.010, as now or hereafter amended, shall again designate the number of justices in the county: PROVIDED, That in a justice court district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state which has a population in excess of five hundred thousand there shall be one full time justice in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county commissioners: PROVIDED FURTHER, That the county commissioners may by resolution make a part time position a full time office if the district's population is not more than ten thousand less than the number required by this section for a full time justice of the peace: PROVIDED FURTHER, That the county commissioners ((; subject to the limitations of REW 3.34.040;)) may by resolution provide for the election of one full time justice in addition to the number of full time justices authorized hereinbefore ((to serve in districts having a population of two hundred thousand or more)).

NEW SECTION. Sec. 3. There is added to chapter 3.34 RCW a new section to read as follows:

After the next respective judicial elections following the effective date of this act, in counties of the second class and larger counties all justices of the peace and district court judges are required to have been admitted to the practice of law in the state of Washington before they may exercise the functions of their office.

Passed the Senate March 30, 1973.

Passed the House March 29, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 15
[House Bill No. 84]
STATE TREASURER'S TRUST FUND

AN ACT Relating to the state treasurer; adding a new chapter to Title 43 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management.

NEW SECTION. Sec. 2. There is hereby created a trust fund outside the state treasury to be known as the "treasurer's trust fund". All nontreasury trust funds which are in the custody of the state treasurer on the effective date of this act shall be placed in the treasurer's trust fund and be subject to the terms of this chapter: PROVIDED, That funds of the Washington state toll bridge authority shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the toll bridge authority: PROVIDED FURTHER, That in order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable: PROVIDED, HOWEVER, That except for Washington toll bridge authority trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer.

NEW SECTION. Sec. 3. The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer.

NEW SECTION. Sec. 4. Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to

be known as the investment income account. On or before July 20 of each year, the state treasurer shall distribute all money in the investment income account in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof.

NEW SECTION. Sec. 5. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 6. This act shall constitute a new chapter in Title 43 RCW.

Passed the House March 14, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 16

[House Bill No. 123]

POLICE PENSION BOARD--MAYORAL APPOINTMENT
POWER--MAYOR PRO TEM

AN ACT Relating to the board of trustees of the relief and pension fund of police departments in cities of the first class; amending section 1, chapter 39, Laws of 1909 as last amended by section 1, chapter 69, Laws of 1955 and RCW 41.20.010; and amending section 2, chapter 39, Laws of 1909 and RCW 41.20.020.

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

Section 1. Section 1, chapter 39, Laws of 1909 as last amended by section 1, chapter 69, Laws of 1955 and RCW 41.20.010 are each amended to read as follows:

(1) The mayor or his designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund.

and designate the beneficiaries thereof.

(2) The police department of each city of the first class shall elect three regularly appointed, qualified, and acting members of the department to act as members of the board. On the first election following adoption of this 1955 amendatory act [1955 c 69], one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, one new member shall be elected each year for a three year term. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members of the department, and nothing herein contained shall prevent any member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot box for the election. Each member of the police department shall be entitled to vote at the election for one nominee as a member of the board except in the first election where each may cast three votes. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term.

Sec. 2. Section 2, chapter 39, Laws of 1909 and RCW 41.20.020 are each amended to read as follows:

The mayor, or his designated representative, shall be ex officio chairman, the clerk shall be ex officio secretary, and the treasurer shall be ex officio treasurer of said board. The secretary

of said board, at the time of making his annual reports as said city clerk, shall annually report the condition of said fund, the receipts and disbursements on account of the same, together with a complete list of the beneficiaries of said fund, and the amounts paid to each of them.

Passed the House April 5, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 17

[House Bill No. 225]

MOTOR VEHICLE LICENSES--SPRAY,
FERTILIZER APPLICATORS--DELETED

AN ACT Relating to motor vehicle equipment; amending section 30, chapter 154, Laws of 1963 as amended by section 1, chapter 5, Laws of 1972 ex. sess. and RCW 46.04.552; amending section 46.16.010, chapter 12, Laws of 1961 as last amended by section 2, chapter 5, Laws of 1972 ex. sess. and RCW 46.16.010.

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

Section 1. Section 30, chapter 154, Laws of 1963 as amended by section 1, chapter 5, Laws of 1972 ex. sess. and RCW 46.04.552 are each amended to read as follows:

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, ((spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs;)) well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Sec. 2. Section 46.16.010, chapter 12, Laws of 1961 as last amended by section 2, chapter 5, Laws of 1972 ex. sess. and RCW

46.16.010 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: PROVIDED, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: PROVIDED FURTHER, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: PROVIDED FURTHER, That these provisions shall not apply to ((special mobile equipment and to)) equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such

movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Passed the House March 9, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 18

[Substitute House Bill No. 351]

PHARMACY BOARD--COMPOSITION--POWERS

AN ACT Relating to businesses and professions; increasing and reconstituting the membership of the state board of pharmacy; amending section 1, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001; and amending section 3, chapter 98, Laws of 1935 as amended by section 18, chapter 38, Laws of 1963 and RCW 18.64.005.

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

Section 1. Section 1, chapter 98, Laws of 1935 as amended by section 16, chapter 38, Laws of 1963 and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of ~~((three))~~ five members, to be appointed by the governor by and with the advice and consent of the senate. Four of the members shall be designated as pharmacist members and one of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist: PROVIDED, That

subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 2. Section 3, chapter 98, Laws of 1935 as amended by section 18, chapter 38, Laws of 1963 and RCW 18.64.005 are each amended to read as follows:

The board shall:

- (1) Regulate the practice of pharmacy, and administer all laws placed under its jurisdiction;
- (2) Prepare, grade and administer or determine the nature of and supervise the grading and administration of examinations for applicants for pharmacists' licenses; PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board;
- (3) Examine, inspect and investigate all applicants for registration as pharmacists or pharmacy interns and to grant certificates of registration to all applicants whom it shall judge to be properly qualified; PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board;
- (4) Employ an executive officer, inspectors, chemists and other agents to assist it for any purpose which it may deem necessary;
- (5) Investigate violations of the provisions of law or

regulations under its jurisdiction, and to cause prosecutions to be instituted in the courts upon advice from the attorney general;

(6) Make inspections of all pharmacies and other places including dispensing machines in which drugs or devices are stored, held, compounded, dispensed or sold to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded or stored, held, dispensed, distributed or compounded in violation or contrary to law;

(7) Have the power to conduct hearings for the revocation or suspension of licenses, permits or registrations and/or to appoint a hearing officer to conduct such hearings;

(8) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, narcotics, and practice of pharmacy;

(9) Regulate the distribution of drugs, nostrums, and the practice of pharmacy for the protection and promotion of the public health, safety and welfare by promulgating rules and regulations. Violation of any such rules shall constitute grounds for refusal, suspension or revocation of licenses to practice pharmacy.

Passed the House April 2, 1973.

Passed the Senate March 30, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 19

[House Bill No. 460]

MUNICIPAL FIREMEN'S PENSION BOARDS--MAYOR'S REPRESENTATIVE

AN ACT Relating to municipal firemen's pension boards; and amending section 2, chapter 91, Laws of 1947 as amended by section 10, chapter 255, Laws of 1961 and RCW 41.16.020.

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

Section 1. Section 2, chapter 91, Laws of 1947 as amended by section 10, chapter 255, Laws of 1961 and RCW 41.16.020 are each amended to read as follows:

There is hereby created in each city and town a municipal firemen's pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or his designated representative who shall be an elected official of the city, who shall be chairman of the board, the city comptroller or clerk, the chairman of finance of the city council, or if there is no chairman of finance, the city treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen.

The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. The two firemen so elected shall, in turn, select a third fireman who shall serve as an alternate in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business.

Passed the House March 14, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 20
[Substitute House Bill No. 589]
COLLECTION AGENCIES--
REGULATION

AN ACT Relating to business regulation; amending section 3, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.120; amending section 7, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.160; amending section 14, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.230; amending section 27, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.360; amending section 31, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.400; amending section 34, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.430; amending section 35, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.440; adding new sections to chapter 19.16 RCW; repealing section 26, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.350; and repealing section 28, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.370.

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

Section 1. Section 3, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.120 are each amended to read as follows:

(No license or any renewal thereof may be granted to any applicant unless) In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application

therefor may be denied, not renewed, suspended, or revoked:

(1) If an individual applicant or licensee is ((at least)) less than eighteen years of age((; a citizen of the United States, and)) or is not a resident of this state.

(2) If an applicant ((which is not an individual)) or licensee is not authorized to do business in this state.

(3) ((The application is complete, the fees required by RCW 49.46.440 have been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 49.46.490 has been filed with the director:)) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150 have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190 has not been filed or renewed or is canceled.

(4) ((Neither an)) If any individual applicant ((nor any)), owner, officer, director, or managing employee of a nonindividual applicant or licensee:

(a) ((Has)) Shall have knowingly made a false statement of a material fact in ((his or its current)) any application for a collection agency license or renewal thereof, or in any data attached thereto ((or in any application (or data attached thereto) made under this chapter within)) and two years ((of the date of the current application)) have not elapsed since the date of such statement;

(b) ((Has)) Shall have had a license to engage in the business of a collection agency ((as defined in this chapter revoked by this state or any other state or foreign country within two years of the date of the current application)) denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if:

(i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or

(ii) The terms of any such suspension have been fulfilled;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and ((the application is made within two years of the completion of the sentence for such conviction)) is incarcerated for that offense or five years have not elapsed since the date of such conviction;

(d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and ((the application is made within two years of)) five years have not elapsed

since the date of the entry of the final judgment in said action; PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged;

(e) Has had his license to practice law suspended or revoked and ((the application is made within two years of)) two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state;

(f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of ((the provisions of)) RCW 19.86.020 and ((the application is made within two years of)) two years have not elapsed since the ((date of the)) entry of the final judgment ((in any said action)): PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be ((a)) grounds for ((the)) denial, suspension, nonrenewal, or revocation of a license ((to any applicant)) unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency;

(g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition;

(h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature;

(i) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation.

Any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license hereunder.

Sec. 2. Section 7, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.160 are each amended to read as follows:

Each license and branch office certificate, when issued, shall be in the form and size prescribed by the director and shall state in addition to any other matter required by the director:

- (1) The name of the licensee;
- (2) The name under which the licensee will do business;
- (3) The address at which the collection agency business is to be conducted; and
- (4) The number and expiration date of the license or branch office certificate.

A licensee shall display his or its license in a conspicuous

place in his or its principal place of business and, if he or it conducts a branch office, the branch office certificate shall be conspicuously displayed in the branch office.

Concurrently with or prior to engaging in any activity as a collection agency, as defined in this chapter, any person shall furnish to his or its client or customer the number indicated on the collection agency license issued to him pursuant to this section.

Sec. 3. Section 14, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.230 are each amended to read as follows:

(1) Every licensee required to keep and maintain records pursuant to this section shall establish and maintain a regular active business office in the state of Washington for the purpose of conducting his or its collection agency business. Said office must be open to the public during reasonable stated business hours, and must be managed by a resident of the state of Washington.

(2) Every licensee shall keep a record of all sums collected by him or it and all disbursements made by him or it. All such records shall be kept ~~((and maintained in this state))~~ at the business office referred to in subsection (1) of this section.

~~((2))~~ (3) Licensees shall maintain and preserve accounting records of collections and payments to customers for a period of six years from the date of the last entry thereon.

Sec. 4. Section 27, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.360 are each amended to read as follows:

(1) Whenever the director shall have reasonable cause to believe that grounds exist for denial, suspension, nonrenewal, or revocation of a license ~~((under RCW 49.46.420 or for suspension or revocation of a license under RCW 49.46.370 or that a licensee has failed to qualify for renewal of a license;))~~ issued or to be issued under this chapter, he shall notify the applicant or licensee in writing by certified or registered mail, with return receipt requested, stating the grounds upon which it is proposed that the license be denied, suspended, revoked, or not renewed.

(2) Within thirty days from the receipt of notice of the alleged grounds for denial, suspension, revocation, or lack of renewal, the applicant or licensee may serve upon the director a written request for hearing before the board. Service of a request for a hearing shall be by certified mail and shall be addressed to the director at his office in Thurston county. Upon receiving a request for a hearing, the director shall fix a date for which the matter may be heard by the board, which date shall be not less than thirty days from the receipt of the request for such hearing. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended, revoked, or not renewed.

(3) Whenever a licensee who has made timely and sufficient

application for the renewal of a license, receives notice from the director that it is proposed that his or its license is not to be renewed, and said licensee requests a hearing under subsection (2) of this section, the licensee's current license shall not expire until the last day for seeking review of the board's decision expires or if judicial review of the board's decision is sought until final judgment has been entered by the superior court, or in the event of an appeal or appeals, until final judgment has been entered by the last appellate court in which review has been sought.

Sec. 5. Section 31, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.400 are each amended to read as follows:

(1) The director ((on his own motion; or when any person or the attorney general has filed with the director a written statement alleging acts of misconduct or violations of this chapter or any rule or regulation established thereunder by a licensee or employee of a licensee;)) may initiate and conduct investigations as may be reasonably necessary to establish the existence of ((such)) any alleged ((acts of misconduct or such)) violations of or noncompliance with the provisions of this chapter or any rules and regulations issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable ((by)) as contempt.

Sec. 6. Section 34, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.430 are each amended to read as follows:

(1) Any person who knowingly operates as a collection agency without a license or knowingly aids and abets such violation is punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year or both. ((Any officer or agent of a firm, corporation, or association who shall personally participate in or aid or abet such violation shall be subject to the same penalties as set forth in this section:))

(2) Any person who operates as a collection agency in the state of Washington without a valid license issued pursuant to this chapter shall not charge or receive any fee or compensation on any moneys received or collected while operating without a license or on

any moneys received or collected while operating with a license but received or collected as a result of his or its acts as a collection agency while not licensed hereunder. All such moneys collected or received shall be forthwith returned to the owners of the accounts on which the moneys were paid.

Sec. 7. Section 35, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.440 are each amended to read as follows:

The operation of a collection agency without a license as prohibited by RCW 19.16.110 and the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 ((is hereby)) are declared to be ((an)) unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in chapter 19.86 RCW.

NEW SECTION. Sec. 8. There is added to chapter 19.16 RCW a new section to read as follows:

The board, in addition to any other powers and duties granted under this chapter:

(1) May adopt, amend, and rescind such rules and regulations for its own organization and procedure and such other rules and regulations as it may deem necessary in order to perform its duties hereunder.

(2) When an applicant or licensee has requested a hearing as provided in RCW 19.16.360 the board shall meet and after notice and hearing may deny any application for a license hereunder, and may fail to renew, suspend, or revoke any license issued hereunder, if the applicant or licensee has failed to comply with or violated any provision of this chapter or any rule or regulation issued pursuant to this chapter. It shall be the duty of the board within thirty days after the last day of hearing to notify the appellant of its decision.

(3) May inquire into the needs of the collection agency business, the needs of the director, and the matter of the policy of the director in administering this chapter, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the state, the welfare of the public, and the welfare and progress of the collection agency business.

(4) Upon request of the director, confer and advise in matters relating to the administering of this chapter.

(5) May consider and make appropriate recommendations to the director in all matters referred to the board.

(6) Upon his request, confer with and advise the director in the preparation of any rules and regulations to be adopted, amended, or repealed.

(7) May assist the director in the collection of such information and data as the director may deem necessary to the proper administration of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 19.16 RCW a new section to read as follows:

No licensee shall receive any money from any debtor as a result of the collection of any claim until he or it shall have submitted a financial statement showing the assets and liabilities of the licensee truly reflecting that the licensee's net worth is not less than the sum of seven thousand five hundred dollars, in cash or its equivalent, of which not less than five thousand dollars shall be deposited in a bank, available for the use of the licensee's business. Any money so collected shall be subject to the provisions of section 6 (2) of this 1973 amendatory act. The financial statement shall be sworn to by the licensee, if the licensee is an individual, or by a partner, officer, or manager in its behalf if the licensee is a partnership, corporation, or unincorporated association. The information contained in the financial statement shall be confidential and not a public record, but is admissible in evidence at any hearing held, or in any action instituted in a court of competent jurisdiction, pursuant to the provisions of this chapter: PROVIDED, That this section shall not apply to those persons holding a valid license issued pursuant to this chapter on the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each hereby repealed:

- (1) Section 26, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.350; and
- (2) Section 28, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.370.

Passed the House March 17, 1973.
 Passed the Senate April 3, 1973.
 Approved by the Governor April 10, 1973.
 Filed in Office of Secretary of State April 10, 1973.

CHAPTER 21
 [House Bill No. 601]
 VOTERS' REGISTRATION PROCEDURES--
 REVISION

AN ACT Relating to elections; amending section 29.07.060, chapter 9, Laws of 1965 as amended by section 8, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.060; adding a new section to

chapter 29.07 RCW; amending section 29.07.070, chapter 9, Laws of 1965 as amended by section 9, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.070; amending section 29.07.080, chapter 9, Laws of 1965 as amended by section 10, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.080; amending section 29.07.090, chapter 9, Laws of 1965 as amended by section 11, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.090; amending section 29.07.095, chapter 9, Laws of 1965 as amended by section 12, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.095; and amending section 29.07.140, chapter 9, Laws of 1965 as amended by section 18, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.140.

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

Section 1. Section 29.07.060, chapter 9, Laws of 1965 as amended by section 8, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.060 are each amended to read as follows:

((The registration officer shall administer to each person applying for registration in person the following oath: "You do solemnly swear (or affirm) that you will fully and truly answer such questions as may be asked you concerning your qualifications as a voter under the laws of this state:"))

The registration officers including deputized clerks, after they themselves have taken and subscribed to the oath prescribed for them, may administer such oaths and certify to the oath on such affidavits as are required in the procedure of registration of voters.

NEW SECTION. Sec. 2. There is added to chapter 29.07 RCW a new section to read as follows:

In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicard;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the

photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer may require the applicant to produce a record which establishes date of birth.

Failure to produce such identification at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced".

Sec. 3. Section 29.07.070, chapter 9, Laws of 1965 as amended by section 9, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.070 are each amended to read as follows:

~~((Having administered the oath,))~~ The registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter of the state, and of the county, city, town, and precinct in which he applies for registration, requiring him to state:

(1) The ~~((place and))~~ previous address of the last former registration of the applicant as a voter in the state;

(2) His full name;

(3) Date of birth;

(4) ~~((Place of birth;~~

~~))~~ Place of residence, street and number, if any, or post office or rural mail route address;

~~((6) Citizenship;~~

~~7) If) (5) Whether he is~~ a citizen of the United States ~~((7 whether native born or naturalized));~~

~~((8) If naturalized; whether in his own right or by virtue of his father's naturalization;~~

~~9) In the case of a woman; not native born; whether naturalized in her own right or by virtue of her father's naturalization or by virtue of her marriage to a citizen of the United States;~~

~~10) The place and date of the naturalization relied upon and the name of the court in which it took place;~~

~~11) Whether the applicant having been a native born or naturalized citizen of the United States has ever renounced his allegiance to the United States; and if so; whether he has since been naturalized as a citizen of the United States;~~

~~12) In case the applicant is of foreign birth and is not a naturalized citizen of the United States; whether he was a legal voter of the Territory of Washington prior to November 11, 1889;~~

~~13) Whether the applicant was a legal voter of the state of Washington on November 3, 1896; or is able to read and speak the~~

English language so as to comprehend the meaning of ordinary English prose; and in case the registration officer is not satisfied in that regard; he may require the applicant to read aloud and explain the meaning of some ordinary English prose;

{14} Whether the applicant is presently denied his civil rights as a result of being convicted of an infamous crime;

{15} Whether the applicant has resided in the state not less than eleven months;

{16} Length of residence in the county in which registration is applied for; not less than sixty days;

{17} Length of residence in the precinct in which registration is applied for;

{18} Whether the applicant is a taxpayer of the state)).

Answers to all questions shall be inserted on a single registration form to be prescribed by the secretary of state.

Sec. 4. Section 29.07.080, chapter 9, Laws of 1965 as amended by section 10, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.080 are each amended to read as follows:

((If it appears to the satisfaction of the registration officer that the applicant is a qualified elector of a precinct within the county; the registration officer shall register the applicant by entering on registration form or forms to be prescribed by the secretary of state; under the proper headings:

{1} The surname of the applicant; followed by his given name; or names; if any;

{2} Sex;

{3} Birthdate;

{4} The post office address; or street and number; if any; of the applicant;

{5} Whether a native born or naturalized citizen of the United States; or a voter of the state of Washington;

{6} Whether able to read and speak the English language; or a voter of this state prior to November 3; 1896;

{7} Whether a taxpayer of the state of Washington;

{8} The name of the county; of the city or town; and name and number of the precinct in which registered;

{9} All special taxing districts in which the applicant resides;))

The registrar shall note the sex of the applicant on the registration form. He shall then require the applicant to sign an oath in the following form: "I, the undersigned, ((do solemnly swear (or affirm))) on oath or affirmation, do hereby declare that the ((foregoing)) facts ((touching)) set forth herein relating to my qualifications as a voter, recorded ((in my presence)) by the registration officer in my presence, are true. I further certify

that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting"; and the registration officer shall sign and date such oath in verification of the fact that the same was signed and sworn to before him in the following form: "Subscribed and sworn to before me this day of, 19...,Registration Officer".

Otherwise the registration officer shall refuse to register the applicant. Upon receipt of the registration record, the county auditor shall note on the record all of the identifying code numbers and precinct in which the applicant resides.

Sec. 5. Section 29.07.090, chapter 9, Laws of 1965 as amended by section 11, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.090 are each amended to read as follows:

At the time of registering any voter, each registration officer shall require him to sign his name upon a card ((upon which the registrar has entered)) containing spaces for his surname followed by his given name or names and the name of the county and city or town, with post office and street address, and the name or number of the precinct, in which the voter is registered.

Sec. 6. Section 29.07.095, chapter 9, Laws of 1965 as amended by section 12, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.095 are each amended to read as follows:

Any person temporarily residing outside of the county of his permanent residence, but within the state of Washington, may register with the registration officer of the place where he is temporarily residing in the usual manner as required in this chapter (~~PROVIDED~~, That such registration in the county other than that of the permanent residence of the applicant may only be made within the period one hundred and twenty days prior to any state general election, subject to limitations as to closing of registration records and other limitations as provided by law)). The registration officer administering the oath and receiving the application and registration forms as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the county auditor of the county where the applicant permanently resides for processing in the same manner as though the applicant has personally applied directly to the registration officer of his residence.

Notwithstanding the provisions of RCW 29.07.160 the registration application shall be received and acted upon immediately by the registration officer of the place of permanent residence of the applicant if the application was received and oath administered by the registration officer at the place of temporary residence not less than thirty days preceding the next election.

Sec. 7. Section 29.07.140, chapter 9, Laws of 1965 as amended

by section 18, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.140 are each amended to read as follows:

The secretary of state shall prescribe the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, lists, binders, cabinets or other supplies to be used in recording and maintaining voter registration records.

The secretary of state shall design a unified voter registration form compatible with existing records which will allow the preparation, by the registration officer or other public officer from a single card or paper, of all the voter registration forms required by law, as of the effective date of this 1973 amendatory act, to be completed by the registering voter, so that the registering voter need sign only one form and need write out required information other than his signature no more than one time.

This form shall also contain the information necessary to permit the voter to transfer his registration as provided by RCW 29.10.020, as it now exists or is hereafter amended. All registration forms necessary to carry out the registration of voters as provided by this 1973 amendatory act shall be furnished by the state of Washington without cost to the respective county auditors.

He shall notify each county auditor what the specifications are, and they must in their procurement and use comply with them.

Passed the House April 5, 1973.

Passed the Senate April 4, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 22

[House Bill No. 668]

FACTORY BUILT STRUCTURES--
STATE REGULATION

AN ACT Relating to factory built structures; amending sections 1, 2, 4, 6, 7 and 8, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.450, 43.22.455, 43.22.465, 43.22.475, 43.22.480 and 43.22.485; and providing penalties.

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

Section 1. Section 1, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.450 are each amended to read as follows:

Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for (~~residential occupancy~~) human ((beings)) occupancy other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes.

Sec. 2. Section 2, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.455 are each amended to read as follows:

No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of a factory built housing or factory built commercial structures or on-site housing.

(2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department.

Sec. 3. Section 4, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.465 are each amended to read as follows:

The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures ((does)) do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court.

Sec. 4. Section 6, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.475 are each amended to read as follows:

The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

Sec. 5. Section 7, chapter 44, Laws of 1970 ex. sess. and RCW 43.22.480 are each amended to read as follows:

The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing ~~((is))~~ or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable the standards and specifications contained in: The uniform building code ~~((1967))~~ {1970}, published by the international conference of building officials; the uniform plumbing code ~~((1967))~~ {1970}, published by the international association of plumbing and mechanical officials; the uniform mechanical code ~~((1967))~~ {1970}, published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code ~~((1968))~~ {1971}, published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490.

Sec. 6. Section 8, chapter 44, Laws of 1970 ex. sess. and RCW

43.22.485 are each amended to read as follows:

If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department.

Passed the House March 14, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 23
[House Bill No. 741]
CERTIFIED PUBLIC ACCOUNTANTS--MANDATORY
CONTINUING EDUCATION

AN ACT Relating to certified public accountants, amending section 28, chapter 226, Laws of 1949 as amended by section 6, chapter 114, Laws of 1969 and RCW 18.04.290; and amending section 29, chapter 226, Laws of 1949 as amended by section 2, chapter 294, Laws of 1961 and RCW 18.04.300.

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

Section 1. Section 28, chapter 226, Laws of 1949 as amended by section 6, chapter 114, Laws of 1969 and RCW 18.04.290 are each amended to read as follows:

[1] The director of motor vehicles shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license, or registration, to any corporation presently authorized to do business under RCW 18.04.350, as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or hereafter amended. Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be twenty-five dollars. In the event the holder of a permit fails to

renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after the effective date of this 1973 amendatory act: PROVIDED, That this requirement may be waived by the board for good cause.

Sec. 2. Section 29, chapter 226, Laws of 1949 as amended by section 2, chapter 294, Laws of 1961 and RCW 18.04.300 are each amended to read as follows:

Upon complying with RCW 18.04.320 the board may revoke or suspend any certificate issued under RCW 18.04.120, or any license issued under RCW 18.04.210, or any registration under RCW 18.04.230 through 18.04.260, or may revoke, suspend, or refuse to renew any annual permit issued under RCW 18.04.290 for any one or any combination of the following causes:

(1) The practice of any fraud or deceit in obtaining a certificate as a certified public accountant, or a license as a licensed public accountant, or in obtaining registration under this chapter, or in obtaining an annual permit under this chapter;

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

(3) Violation of any of the provisions of RCW 18.04.340;

(4) Violation of the rules of professional conduct promulgated by the board under the authority granted by RCW 18.04.070;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) Cancellation, revocation, suspension, or refusal of renewal of the authority to practice as a certified public accountant, as a licensed public accountant, or as a public accountant in any of the United States; or

(8) ((Failure by any person not a citizen of the United States to become a citizen within six years from the date he receives a certificate as a certified public accountant or a license as a licensed public accountant as provided in)) Violation of any of the

provisions of this chapter.

Passed the House April 5, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 10, 1973.

CHAPTER 24

[House Bill No. 746]

DEPARTMENT OF NATURAL RESOURCES--FOREST

FIRE PREVENTION AUTHORITY

AN ACT Relating to protection of forest lands; amending section 2, chapter 12, Laws of 1965 ex. sess. as amended by section 1, chapter 134, Laws of 1971 ex. sess. and RCW 76.04.251; amending section 12, chapter 142, Laws of 1955 as last amended by section 10, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.270; amending section 5, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.385; amending section 8, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.515; repealing section 4, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.253; repealing section 5, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.254; repealing section 6, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.255; repealing section 7, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.256; repealing section 8, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.257; repealing section 11, chapter 142, Laws of 1955, section 9, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.260; and repealing section 17, chapter 125, Laws of 1911, section 8, chapter 184, Laws of 1923, section 7, chapter 58, Laws of 1951, section 13, chapter 142, Laws of 1955, section 4, chapter 151, Laws of 1959 and RCW 76.04.320.

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

Section 1. Section 2, chapter 12, Laws of 1965 ex. sess. as amended by section 1, chapter 134, Laws of 1971 ex. sess. and RCW 76.04.251 are each amended to read as follows:

It shall be unlawful for anyone to operate during the closed season as defined in RCW 76.04.252, any steam, internal combustion, or electric engines, or any other spark emitting equipment or devices on any forest land or in any place where, in the opinion of the department ~~((of natural resources))~~, within reason, fire could be communicated to forest land, without first complying with the requirements ~~((for each situation and type of equipment listed in the~~

following paragraphs:

- (1) For operations employing more than five men:
 - (a) To be kept in a sealed tool box;
 - (i) Three double bitted axes having heads weighing not less than three pounds and not less than thirty-two inch handles;
 - (ii) Six long handle round point shovels or "D" handle round point shovels;
 - (iii) Six adze eye forestry fighting fire hoes;
 - (b) To be kept adjacent to the tool box;
 - (i) One five gallon back pack pump can filled with water;
 - (ii) One hundred gallons of water in two fifty-gallon containers;
- (2) For operations employing five men or less:
 - (a) To be kept in a sealed tool box;
 - (i) Two double bitted axes having heads weighing not less than three pounds and thirty-two inch handles;
 - (ii) Three long handle round point shovels or "D" handle round point shovels;
 - (iii) Three adze eye forestry fire fighting hoes;
 - (b) To be kept adjacent to the tool box;
 - (i) One five gallon back pack pump can filled with water;
 - (ii) Fifty gallons of water;
 - (iii) Option--in lieu of (i) and (ii) above; two buckets and one hundred gallons of water;
- (3) Any steam, internal combustion, or electric engine used for yarding, skidding, loading, or land clearing from a fixed position unless equipped with:
 - (a) Two chemical fire extinguishers, each rated by Underwriters' Laboratories as not less than one B-C-7;
 - (b) A suitable exhaust pipe extending up vertically a minimum of eighteen inches above the manifold and projects at least four inches above the cab or hood and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the department of natural resources;
- (4) Any tractor or other mobile yarding machine, unless equipped with:
 - (a) One chemical fire extinguisher, rated by the Underwriters' Laboratories as not less than one B-C-7;
 - (b) A suitable exhaust pipe extending up vertically a minimum of eighteen inches in length above the manifold and projects at least four inches above the hood or is equipped with an adequate spark arrester of a type approved by the department of natural resources;
- (5) Any truck or vehicle used for hauling forest products, rock, or minerals for commercial purposes in any forest area unless equipped with:

{a} One chemical fire extinguisher; rated by the Underwriters' Laboratories as not less than one B-C;

{b} One long handle round point shovel or a "D" handle round point shovel;

{c} An exhaust pipe turned up vertically or equipped with an adequate spark arrester or muffler of a type approved by the department of natural resources;

{6} Any portable power saw unless the power saw is equipped with:

{a} A suitable chemical fire extinguisher of at least eight ounce capacity and a type approved by the department of natural resources; kept in the immediate possession of the operator;

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

{c} A spark arrester having fire prevention features as to spark arresting efficiency; temperature; configuration; and placement on the machine; as approved by the department of natural resources;

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

{a} One chemical fire extinguisher; rated by the Underwriters' Laboratories as not less than one B-C;

{b} An exhaust turned up vertically and is clear of all obstructions or is equipped with an adequate spark arrester of a type approved by the department of natural resources;

{c} One hundred gallons of water and two buckets at the site of each fixed position engine;

{8} Any motorcycle or other motorized vehicle used on unsurfaced forest roads; range roads; trails; or cross country where there is no trail or road; unless it is equipped with a spark arrester approved by the department of natural resources;) as may be established by the department by rule or regulation pursuant to this 1973 amendatory act.

The department of natural resources is authorized to promulgate rules and regulations relating to forest fire prevention and suppression preparedness, including the type, number, location and condition of fire equipment; the provision of water or other fire suppression agent, spark arresters, watchmen and/or patrols; the felling of snags; the clearing of flammable material from proximity to ignition sources; and the curtailment of operations during periods of critical fire danger. The department may further provide for reasonable reductions of requirements so promulgated where operating

conditions including, but not limited to, location or weather, would justify the same.

Sec. 2. Section 12, chapter 142, Laws of 1955 as last amended by section 10, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.270 are each amended to read as follows:

Every person upon receipt of written notice issued by the ~~((supervisor or any regularly employed warden or ranger,))~~ department that such person has or is violating any of the provisions of RCW 76.04.240, 76.04.245, 76.04.251 ~~((through 76-04-257, 76-04-260)), and 76.04.310, ((and 76-04-326,))~~ as amended, and/or any rule or regulation issued by the department concerning fire prevention and fire suppression preparedness shall cease such operations until the provisions of the sections or regulation specified in such notice have been complied with. The ~~((forest officer))~~ department may specify in the notice of violation the special conditions and precautions under which the operation would be allowed to continue until the end of that working day. Any person violating the statutory provisions above referenced, and as amended, or the rules or regulations issued by the department, or the written notice provided for herein, shall upon conviction be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Sec. 3. Section 5, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.385 are each amended to read as follows:

Any person, firm, or corporation, public or private, obligated to take suppression action on any forest fire shall, under the provisions of this section, be entitled to reimbursement for reasonable costs incurred thereby, subject to the following:

(1) If the fire is started in the course of or as a result of a land clearing, right of way clearing, or landowner's operation, the person, firm, or corporation conducting such operation shall supply at his expense the manpower and equipment under his control ~~((;))~~ and reasonably available until midnight on the day on which the fire started, after which time he shall supply, at his expense, only the manpower and equipment which were within a one-half mile radius of the point of origin of such fire, but in any case never less than five men and one suitable bulldozer, or other equipment accepted by the department as equivalent, unless, in the opinion of the department, ~~((fewer men are))~~ less is needed for the purpose of suppressing the same. If he has no men or equipment within the said one-half mile he shall pay to the department the equivalent of the minimum requirement. If after midnight of the day on which the fire started, additional manpower and equipment are necessary, in the opinion of the department, he shall supply the manpower and equipment under his control outside such one-half mile radius, if reasonably available, but he shall be reimbursed for such manpower and equipment

as provided herein;

(2) Where a fire, which occurred in the course of or as a result of a land clearing, right of way clearing, or landowners operation, and which fire had previously been suppressed, rekindles, the operator shall be required to supply at his expense the same manpower and equipment which were required of him at the time of the original fire.

(3) Claims for reimbursement shall be submitted within a reasonable time to the department which shall, upon verifying the amounts therein and the necessity therefor, authorize payment at such rates as established by the department for wages and equipment rental;

~~((3))~~ (4) No reimbursement provided herein shall be allowed to a person, firm, or corporation negligently responsible for the starting or existence of any fire for which costs may be recoverable by the department pursuant to law.

Reimbursement of emergency fire costs incurred or approved by the department in suppressing a forest fire may be paid from the appropriate contingency account as provided therein. Such payment shall be without restriction to the right of the department to recover costs pursuant to the provisions of RCW 76.04.390 as now or hereafter amended or other laws but any such recovery by the department shall be returned into the account from which it was spent, less reasonable costs of collection.

Sec. 4. Section 8, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.515 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account which shall be a separate account in the general fund. This account shall be for the purpose of paying emergency fire costs incurred or approved by the department in the suppression of forest fires. When a determination is made that the fire was started by other than a participating landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general contingency forest fire suppression account. Moneys spent from this account shall be by appropriation. The department shall transmit to the state treasurer for deposit in the landowner contingency forest fire suppression account any moneys paid out of said account which are later recovered, less reasonable costs of recovery, which moneys may be expended for purposes set forth herein during the current biennium, without reappropriation.

This account shall be established and renewed by a special forest fire suppression account assessment paid by participating forest landowners at rates to be established by the department, but not to exceed five cents per acre per year for such period of years as may be necessary to establish and thereafter reestablish a balance

in said account of one million dollars. The assessments with respect to forest lands in western and eastern Washington may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by participating landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made, and may be collected as directed by the department in the same manner as forest patrol assessments. This account shall be held by the state treasurer who is authorized to invest so much of said account as is not necessary to meet current needs. Any interest earned on moneys from said account shall be deposited in and remain a part of the account, and shall be computed as part of the same in determining the balance thereof. Interfund loans to and from this account are authorized at the then current rate of interest as determined by the state treasurer, provided that the effect of the loan is considered for purposes of determining the assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.390 as now or hereafter amended, or other laws.

When the department determines that a forest fire was started in the course of or as a result of a participating landowner operation, it shall notify ((any person, firm, or corporation, public or private, in whose operation the fire started, and)) the forest fire advisory board of such determination. Such determination shall be final, unless, within ninety days of such notification, ((the person, firm, or corporation notified, or)) the forest fire advisory board or any interested party, serves a request for a hearing before the department. Such hearing shall constitute a contested case under chapter 34.04 RCW and any appeal therefrom shall be to the superior court of Thurston county.

NEW SECTION. Sec. 5. The following acts or parts of acts are each hereby repealed:

(1) Section 4, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.253;

(2) Section 5, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.254;

(3) Section 6, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.255;

(4) Section 7, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.256;

(5) Section 8, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.257;

(6) Section 11, chapter 142, Laws of 1955, section 9, chapter 12, Laws of 1965 ex. sess. and RCW 76.04.260; and

(7) Section 17, chapter 125, Laws of 1911, section 8, chapter

184, Laws of 1923, section 7, chapter 58, Laws of 1951, section 13, chapter 142, Laws of 1955, section 4, chapter 151, Laws of 1959 and RCW 76.04.320.

Passed the House March 20, 1973.
Passed the Senate April 3, 1973.
Approved by the Governor April 10, 1973.
Filed in Office of Secretary of State April 10, 1973.

CHAPTER 25
[Engrossed Senate Bill No. 2293]
REFUNDING BONDS--OBLIGATION--
REDEMPTION

AN ACT Relating to financing by and bonds, obligations, refunding bonds, and refunding obligations of the state, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations; amending section 2, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.010; amending section 4, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.030; amending section 5, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.040; amending section 7, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.060; amending section 8, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.070; amending section 11, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.100; and declaring an emergency.

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

Section 1. Section 2, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.010 are each amended to read as follows:

Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(1) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of the public body designated herein in which body the legislative powers of the public body are vested: PROVIDED, That with respect to the state it shall mean the state finance committee.

(2) "Public body" means the state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations now or hereafter existing under the laws of the state of Washington.

(3) "Bond" means any revenue bond or general obligation bond.

(4) "Revenue bond" means any bond, note, warrant, certificate

of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues or a special fund but excluding any obligation constituting an indebtedness within the meaning of the constitutional debt limitation and any obligation payable solely from special assessments or special assessments and a guaranty fund.

(5) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of the constitutional debt limitation.

(6) "Advance refunding bonds" means bonds issued for the purpose of refunding bonds first subject to redemption or maturing one year or more from the date of the advance refunding bonds.

(7) "Issuer" means the public body issuing any bond or bonds.

(8) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(9) "Government obligations" means any of the following: (a) Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations; (b) bonds, debentures, notes, participation certificates, or other obligations issued by the banks for cooperatives, the federal intermediate credit bank, the federal home loan bank system, the export-import bank of the United States, federal land banks, or the federal national mortgage association; (c) public housing bonds and project notes fully secured by contracts with the United States; and (d) obligations of financial institutions insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation, to the extent insured or to the extent guaranteed as permitted under any other provision of state law.

[10] Words used herein importing singular or plural number may be construed so that one number includes both.

Sec. 2. Section 4, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.030 are each amended to read as follows:

Any bonds issued for refunding purposes may be delivered in exchange for the outstanding bonds being refunded or may be sold in ((the manner provided by law for the sale by the public body of bonds of the type being refunded)) such manner and at such price as the governing body may in its discretion determine advisable.

Sec. 3. Section 5, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.040 are each amended to read as follows:

Bonds may be refunded hereunder or under any other law of this state which authorizes the issuance of refunding bonds when the

holders thereof voluntarily surrender them for exchange or payment, or, if they mature or are subject to redemption prior to maturity within fifteen years from the date of the refunding bonds. In any advance refunding plan under this chapter the governing body shall provide irrevocably in the ordinance authorizing the issuance of the advance refunding bonds for the redemption of the bonds to be refunded (~~within~~) not later than six months from the date they are first subject to redemption at par or fifteen years from the date of issuance of the refunding bonds, whichever is sooner.

The ordinance authorizing the issuance of advance refunding bonds pursuant to this chapter shall contain a provision that such bonds shall be subject to redemption not later than five years from date of such bonds or six months after the first date on which the bonds to be refunded may be redeemed, whichever is later. If more than one issue or series of bonds are being refunded by a single issue or series of advance refunding bonds, such advance refunding bonds must be subject to redemption not later than five years from date of issue or six months after the first date on which the series or issue of bonds being refunded having the latest first redemption date may be redeemed. The governing body may fix any redemption premium or premiums as it may in its discretion determine advisable.

Sec. 4. Section 7, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.060 are each amended to read as follows:

Prior to the application of the proceeds derived from the sale of advance refunding bonds to the purposes for which such bonds shall have been issued, such proceeds, together with any other funds the governing body may set aside for the payment of the bonds to be refunded, may be invested and reinvested only in ~~the~~ government obligations ~~of the United States of America~~ maturing or having guaranteed redemption prices at the option of the holder at such time or times as may be required to provide funds sufficient to pay principal, interest and redemption premiums, if any, in accordance with the advance refunding plan. To the extent incidental expenses have been capitalized, such bond proceeds may be used to defray such expenses.

Sec. 5. Section 8, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.070 are each amended to read as follows:

The governing body may contract with respect to the safekeeping and application of the advance refunding bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington. The governing body may provide in the refunding plan that until such moneys are required to redeem or retire the general obligation or revenue bonds to be refunded, the

refunding bond proceeds and other funds, and the income therefrom shall be used to pay and secure the payment of the principal of and interest on the advance refunding bonds. The governing body may additionally pledge for the payment of such revenue refunding bonds any revenues which might legally be pledged for the payment of revenue bonds of the issuer of the type being refunded. Provisions must be made by the governing body for moneys sufficient in amount to accomplish the refunding as scheduled.

Sec. 6. Section 11, chapter 138, Laws of 1965 ex. sess. and RCW 39.53.100 are each amended to read as follows:

((When funds and investments and the known earned income therefrom in amounts sufficient to pay the principal of and interest and any premium on general obligation bonds to be refunded as they become due at their respective maturities or at the date fixed for redemption have been irrevocably pledged to the general obligation bonds to be refunded; such bonds shall not constitute an indebtedness of the public body within the meaning of any constitutional or statutory debt limitation)) In computing indebtedness for the purpose of any constitutional or statutory debt limitation there shall be deducted from the amount of outstanding indebtedness the amounts of money and investments credited to or on deposit for general obligation bond retirement.

NEW SECTION. Sec. 7. The state may issue general obligation bonds to refund any special revenue obligations of the state at or prior to the date they mature or are subject to redemption.

NEW SECTION. Sec. 8. This 1973 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 3, 1973.

Passed the House March 28, 1973.

Approved by the Governor April 10, 1973.

Filed in Office of Secretary of State April 11, 1973.

CHAPTER 26

[House Bill No. 204]

MEDICAL PRACTITIONERS--FINANCIAL
INTERESTS--DISCLOSURE

AN ACT Relating to business regulations; and amending section 1, chapter 58, Laws of 1965 ex. sess. and RCW 19.68.010.

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

Section 1. Section 1, chapter 58, Laws of 1965 ex. sess. and

RCW 19.68.010 are each amended to read as follows:

It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, ((or)) dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis, care or treatment: PROVIDED, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association.

Any person violating the provisions of this section is guilty of a misdemeanor.

Passed the House April 3, 1973.

Passed the Senate March 31, 1973.

Approved by the Governor April 12, 1973.

Filed in Office of Secretary of State April 12, 1973.

CHAPTER 27

[Substitute Senate Bill No. 2227]

SUPERIOR COURT JUDGES--

INCREASED

AN ACT Relating to courts; amending section 3, chapter 125, Laws of 1951 as last amended by section 5, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.061; amending section 5, chapter 125, Laws of 1951 as last amended by section 1, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.063; and amending section 7, chapter 125, Laws of 1951 as last amended by section 2, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.065.

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

Section 1. Section 3, chapter 125, Laws of 1951 as last amended by section 5, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King ~~((twenty-six))~~ twenty-nine judges of the superior court; in the county of Spokane ~~((seven))~~ eight judges of the superior court; in the county of Pierce ten judges of the superior court.

Sec. 2. Section 5, chapter 125, Laws of 1951 as last amended by section 1, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.063 are each amended to read as follows:

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, two judges of the superior court; in the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima ~~((four))~~ five judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, two judges of the superior court.

Sec. 3. Section 7, chapter 125, Laws of 1951 as last amended by section 2, chapter 83, Laws of 1971 ex. sess. and RCW 2.08.065 are each amended to read as follows:

There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, ~~((three))~~ four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, one judge of the superior court: PROVIDED, That this act shall only take effect in the event the legislature shall appropriate funds for the 1973-75 biennium to carry out the purpose of this 1973 act.

Passed the Senate March 24, 1973.

Passed the House April 5, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 14, 1973.

CHAPTER 28

[Engrossed Senate Bill No. 2312]

PUBLIC PRINTING--LEGAL NOTICES--

RATES INCREASED

AN ACT Relating to rates for printing; amending section 36.72.050,

chapter 4, Laws of 1963 as amended by section 1, chapter 43, Laws of 1969 ex. sess. and RCW 36.72.050; and amending section 4, chapter 99, Laws of 1921 as last amended by section 1, chapter 57, Laws of 1967 ex. sess. and RCW 65.16.090.

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

Section 1. Section 36.72.050, chapter 4, Laws of 1963 as amended by section 1, chapter 43, Laws of 1969 ex. sess. and RCW 36.72.050 are each amended to read as follows:

The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the ((board of county commissioners)) county legislative authority in April of each year, shall advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there is no official newspaper, then in some other newspaper published in the county, or in a county adjacent to such county, and having a general circulation therein.

The ((board of county commissioners)) county legislative authority shall not be compelled in any event to accept any bid for a greater price than ((three)) four dollars and twenty cents per folio of one hundred words for the first insertion, and ((two dollars and forty)) three dollars and fifteen cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words.

Sec. 2. Section 4, chapter 99, Laws of 1921 as last amended by section 1, chapter 57, Laws of 1967 ex. sess. and RCW 65.16.090 are each amended to read as follows:

Where publication of legal notices is required or allowed by law, the person or officer desiring the publication shall pay on a basis of ((three)) four dollars and twenty cents per folio of one hundred words for the first insertion and ((two dollars and forty)) three dollars and fifteen cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words: PROVIDED, That a newspaper having a circulation of over fifteen thousand copies each issue may charge such additional rate as it deems necessary and just and any person or officer authorizing the publication of a legal notice in such newspaper may legally pay such rate as is charged by it: PROVIDED FURTHER, That this section shall not apply to the amount to be charged for the publication of a legal notice or advertisement for a school district, city, town, county, state, municipal, or quasi municipal corporation or the United States

government.

Passed the Senate March 17, 1973.

Passed the House April 5, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 14, 1973.

CHAPTER 29

[Engrossed Senate Bill No. 2840]

PUBLIC WORKS EMPLOYMENT--BORDER STATES--

RECIPROCAL RESIDENCY EXEMPTION

AN ACT Relating to employees on public works; and amending section 1, chapter 28, Laws of 1972 ex. sess. and RCW 39.16.005.

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

Section. 1. Section 1, chapter 28, Laws of 1972 ex. sess. and RCW 39.16.005 are each amended to read as follows:

In all contracts let by the state, or any department thereof, or any county, city, or town for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor or subcontractor shall employ ninety-five percent or more bona fide Washington residents as employees where more than forty persons are employed, and ninety percent or more bona fide Washington residents as employees where forty or less persons are employed (~~except that any contractor or subcontractor may employ not more than five persons without regard to the residency requirements stated herein in the performance of any such contract: PROVIDED; That the state of the residence of the contractor or subcontractor provides reciprocal rights to Washington contractors or subcontractors~~). The contractor shall pay the standard prevailing wages for the specific type of construction as determined by the United States department of labor in the city or county where the work is being performed. The term "resident", as used in this chapter, shall mean any person who has been a bona fide resident of the state of Washington for a period of ninety days prior to such employment: PROVIDED, That in contracts involving the expenditure of federal aid funds this chapter shall not be enforced in such manner to conflict with or be contrary to the federal statutes, rules, and regulations prescribing a labor preference to honorably discharged soldiers, sailors, and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States: PROVIDED FURTHER, That this section shall not apply to any employees who are residents of any state bordering on the state of Washington if such bordering state

does not restrict the right of a resident of Washington to be employed in the performance of all contracts let by the bordering state, or any department thereof, or any county, city, or town for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement.

Passed the Senate March 29, 1973.
Passed the House April 6, 1973.
Approved by the Governor April 14, 1973.
Filed in Office of Secretary of State April 14, 1973.

CHAPTER 30
[House Bill No. 119]
PROPERTY TAX DISPUTE--VALUATION
INFORMATION--AVAILABILITY

AN ACT Relating to revenue and taxation; and adding a new section to chapter 84.48 RCW.

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

NEW SECTION. Section 1. There is added to chapter 84.48 RCW a new section to read as follows:

The assessor shall, upon the request of any taxpayer who petitions the board of equalization for review of a tax claim or valuation dispute, make available to said taxpayer a compilation of comparable sales utilized by the assessor in establishing such taxpayer's property valuation. If valuation criteria other than comparable sales were used, the assessor shall furnish the taxpayer with such other factors and the addresses of such other property used in making the determination of value.

The assessor shall within thirty days of such request but at least ten business days prior to such taxpayer's appearance before the board of equalization make available to the taxpayer the valuation criteria and/or comparables which shall not be subsequently changed or modified by the assessor during review or appeal proceedings unless the assessor has found new evidence supporting the assessor's valuation, in which situation the assessor shall provide such additional evidence to the taxpayer at least ten business days prior to the hearing on appeal or review proceedings. A taxpayer who lists comparable sales on his notice of appeal shall not thereafter use other comparables during the review of appeal proceedings: PROVIDED, That the taxpayer may change the comparable sales he is using in proceedings subsequent to the county board of equalization only if he provides a listing of such different comparables to the

assessor at least five business days prior to such subsequent proceedings: PROVIDED FURTHER, That the board of equalization may waive the requirements contained in the preceding proviso or allow the assessor a continuance of reasonable duration to check the comparables furnished by the taxpayer.

Passed the House April 7, 1973.

Passed the Senate April 3, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 14, 1973.

CHAPTER 31
[House Bill No. 300]
MUTUAL SAVINGS BANKS--
LENDING AUTHORITY

AN ACT Relating to mutual savings banks; amending section 32.20.280, chapter 13, Laws of 1955, as amended by section 7, chapter 55, Laws of 1969 and RCW 32.20.280; amending section 6, chapter 80, Laws of 1955 as amended by section 6, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.330; and adding new sections to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

NEW SECTION. Section 1. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

The legislature finds there is a shortage of adequate housing in a suitable environment in many parts of this state for people of modest means, which shortage adversely affects the public in general and the mutual savings banks of this state and their depositors. The legislature further finds that the making of loans or investments to alleviate this problem which may provide a less than market rate of return and entail a higher degree of risk than might otherwise be acceptable, will benefit this state, the banks, and their depositors.

NEW SECTION. Sec. 2. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

In addition to the portions of its funds permitted to be invested in real estate loans under RCW 32.20.250 as limited by RCW 32.20.410 and in loans for home or property repairs, alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, for mobile homes used or to be used for permanent or semi-permanent housing, or for nonbusiness family purposes under RCW 32.20.400, a mutual savings bank may invest not to exceed five percent of its funds in loans and investments made after the effective date of this

1973 amendatory act as follows:

(1) Loans for the rehabilitation, remodeling, or expansion of existing housing, if it is arranged that the loan proceeds will be used for such purpose. Such loans may be secured by second mortgages, shall require the payment of principal and interest in annual, semiannual, quarterly or monthly payments at a rate which if continued would repay the loan in full in not more than fifteen years, and shall be in a principal amount not to exceed nine thousand five hundred dollars per living unit for single family housing or seven thousand five hundred dollars per living unit for multi-family housing.

(2) Loans in connection with, or participation in:

(a) Housing programs of any agency of federal, state or local government; and

(b) Housing programs of any nonprofit, union, community, public, or quasi-public corporation or entity.

Such housing must be made available to all without regard to race, creed, sex, color, or national origin.

(3) Loans for purchasing or constructing factory built housing, including but not limited to mobile homes used or to be used for permanent or semi-permanent housing, where the principal balance of any such loan does not exceed in the case of a new mobile home one hundred percent of the manufacturer's invoice price of such mobile home (including any equipment installed by the manufacturer, or installed or to be installed by the dealer); or in the case of a used mobile home, one hundred percent of the wholesale value of such used mobile home (including any installed equipment) as established in the dealer's market. The loan shall be secured by a first mortgage on the real estate, except that no real estate mortgage need be obtained if provision satisfactory to the bank is made for removal of the mobile home or other housing in the event of default and realization on the security.

(4) In mobile home chattel paper which finances the acquisition of inventory by a mobile home dealer if the inventory is to be held for sale in the ordinary course of business by the mobile home dealer, the monetary obligation evidenced by such chattel paper is the obligation of the mobile home dealer and the amount thereof does not exceed the amount allowed to be loaned on such mobile homes under subsection (3) of this section.

NEW SECTION. Sec. 3. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

Subject to the limits hereinafter set forth, a mutual savings bank may expend its funds for the improvement for public use of privately owned land as parks or recreation areas, including but not limited to "vest pocket" parks, provided that the owner of such land

will:

(1) Permit public use thereof for a period of at least eighteen months or for such longer period and subject to such other requirements as the bank may impose; and

(2) At or before the end of public use, permit the removal of all such improvements which in the bank's judgment reasonably may be accomplished.

As used in this section, "public use" means use without regard to race, creed, sex, color, or national origin. The amount expended hereunder and under RCW 32.12.070(2)(d) in any calendar year shall not exceed one-half of one percent of the net earnings of bank for the preceding year.

NEW SECTION. Sec. 4. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

Loans or investments made under this 1973 amendatory act may provide a less than market rate of return and entail a higher degree of risk than might otherwise be acceptable to the general market, so long as the board of trustees of the bank determines the loan or investment may be beneficial to the community where made, without the need to show a direct corporate benefit, and so long as any private individual who benefits is not, and is not related to any person who is, an officer, employee, or trustee of the bank. It is hereby recognized that the mutual savings banks of the state of Washington and their depositors are affected adversely by the absence of adequate low-cost housing and environmental developments and improvements within the communities they serve and the state of Washington.

The amount a mutual savings bank may invest under this 1973 amendatory act during any twelve month period at less than a market rate of return shall not exceed two percent of the total principal amount of all real estate loans made by the bank during the preceding twelve months.

NEW SECTION. Sec. 5. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

A mutual savings bank may invest its funds in first mortgages on single family residences, which loans are insured in whole or in part by an insurance company authorized to do business in the state of Washington and in the business of insuring real estate mortgages. Except as provided in subsections (1) and (2) of this section, the provisions of RCW 32.20.250 shall apply to such loans:

(1) Any loan so insured may exceed ninety percent of the value of the real estate, including improvements, but shall not exceed ninety-five percent of such value.

(2) The terms of payment and the ultimate maturity of such loan may exceed the limits as set forth in RCW 32.20.250.

Sec. 6. Section 32.20.280, chapter 13, Laws of 1955, as amended by section 7, chapter 55, Laws of 1969 and RCW 32.20.280 are each amended to read as follows:

A mutual savings bank may invest its funds in real estate as follows:

(1) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use revenue may be derived: PROVIDED, That the cost of the land and building or buildings for the transaction of the business of the savings bank shall in no case exceed ((thirty)) fifty percent of the guaranty fund, undivided profits, reserves, and subordinated securities of the savings bank, except with the approval of the supervisor; and before the purchase of such property is made, or the erection of a building or buildings is commenced, the estimate of the cost thereof, and the cost of the completion of the building or buildings, shall be submitted to and approved by the supervisor. "The cost of the land and building or buildings" means the amounts paid or expended therefor less the reasonable depreciation thereof taken by the bank against such improvements during the time they were held by the bank.

(2) Such lands as shall be conveyed to the savings bank in satisfaction of debts previously contracted in the course of its business.

(3) Such lands as the savings bank shall purchase at sales under judgments, decrees, or mortgages held by it.

All real estate purchased by any such savings bank, or taken by it in satisfaction of debts due it, under this section, shall be conveyed to it directly by name, and the conveyance shall be immediately recorded in the office of the proper recording officer of the county in which such real estate is situated.

Every parcel of real estate purchased or acquired by a savings bank under this section, shall be sold by it within five years from the date on which it was purchased or acquired, or in case it was acquired subject to a right of redemption, within five years from the date on which the right of redemption expires, unless:

(1) There is a building thereon occupied by the savings bank and its offices, or

(2) The supervisor, on application of the board of trustees of the savings bank, extends the time within which such sale shall be made.

Sec. 7. Section 6, chapter 80, Laws of 1955 as amended by section 6, chapter 222, Laws of 1971 ex. sess. and RCW 32.20.330 are each amended to read as follows:

A mutual savings bank may invest not to exceed fifteen percent

of its funds in such interest bearing obligations issued, guaranteed or assumed by corporations commonly accepted as industrial corporations or engaged in communications, transportation, furnishing utility or telephone services, manufacturing, mining, merchandising or commercial financing, incorporated under the laws of the United States, or any state thereof, or the District of Columbia, or the Dominion of Canada, or any province thereof, as mature within thirty years from the time of the investment, subject to the following conditions:

(1) Not more than two percent of said bank's funds shall be invested in such obligations of any one such corporation, pursuant to this section or otherwise.

(2) Such obligations at the time of purchase are rated among the three highest classifications of (~~two~~) one or more nationally recognized investment rating services.

NEW SECTION. Sec. 8. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section to read as follows:

The powers granted by this 1973 amendatory act are in addition to and not in limitation of the powers conferred upon a mutual savings bank by other provisions of law.

Passed the House March 20, 1973.

Passed the Senate April 6, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 14, 1973.

CHAPTER 32

[House Bill No. 482]

INDUSTRIAL INSURANCE--REPORTING PERIODS--
PAYMENT--RULE-MAKING AUTHORITY

AN ACT Relating to industrial insurance; and amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.060.

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

Section 1. Section 51.16.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.060 are each amended to read as follows:

Every employer not qualifying as a self-insurer shall insure with the state and shall, on or before the last day of January, April, July and October of each year thereafter, furnish the department with a true and accurate payroll for the period in which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar

quarter, and a segregation of employment in the different classes established pursuant to this title, and shall pay his premium thereon to the appropriate fund. The sufficiency of such statement shall be subject to the approval of the director: PROVIDED, That the director may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed: PROVIDED, FURTHER, That in the event an employer shall furnish the department with four consecutive quarterly reports wherein each such quarterly report indicates that no premium is due the department may close the account: AND, PROVIDED FURTHER, That the department may promulgate rules and regulations in accordance with chapter 34.04 RCW to establish other reporting periods and payment due dates in lieu of reports and payments following each calendar quarter, and may also establish terms and conditions for payment of premiums and assessments based on estimated payrolls, with such payments being subject to approval as to sufficiency of the estimated payroll by the department, and also subject to appropriate periodic adjustments made by the department based on actual payroll.

Passed the House March 17, 1973.

Passed the Senate April 6, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 14, 1973.

CHAPTER 33
[House Bill No. 782]
BUSINESS PRACTICES--CHAIN DISTRIBUTOR
SCHEMES--FRANCHISES

AN ACT Relating to business practices; amending section 1, chapter 252, Laws of 1971 ex. sess. as amended by section 1, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.010; amending section 18, chapter 252, Laws of 1971 ex. sess. as amended by section 10, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.180; prescribing penalties; and adding a new chapter to Title 19 RCW.

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

NEW SECTION. Section 1. (1) "Chain distributor scheme" is a sales device whereby a person, under a condition that he make an investment, is granted a license or right to recruit for consideration one or more additional persons who are also granted

such license or right upon condition of making an investment, and may further perpetuate the chain of persons who are granted such license or right upon such condition. A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the above license or right to recruit or the receipt of profits therefrom, does not change the identity of the scheme as a chain distributor scheme.

(2) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(3) "Investment" is any acquisition, for a consideration other than personal services, of personal property, tangible or intangible, for profit or business purposes, and includes, without limitation, franchises, business opportunities, services and inventory for resale. It does not include sales demonstration equipment and materials, furnished at cost for use in making sales and not for resale.

NEW SECTION. Sec. 2. No person shall promote, offer or grant participation in a chain distributor scheme. Any violation of this chapter shall be construed for purposes of the application of the Consumer Protection Act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

Sec. 3. Section 1, chapter 252, Laws of 1971 ex. sess. as amended by section 1, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.010 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Community interest" means a continuing financial interest between the franchisor and franchisee in the operation of the franchise business.

(3) "Director" means the director of department of motor vehicles.

(4) "Franchise" means an oral or written contract or agreement, either expressed or implied, in which a person grants to another person, a license to use a trade name, service mark, trade mark, logotype or related characteristic in which there is a community interest in the business of offering, selling, distributing

goods or services at wholesale or retail, leasing, or otherwise and in which the franchisee is required to pay, directly or indirectly, a franchise fee: PROVIDED, That none of the following shall be construed as a franchise within the meaning of this chapter:

(a) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card or any transaction relating to a bank credit card plan;

(b) Actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state;

(c) Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(5) "Bank credit card plan" means a credit card plan in which the issuer of credit cards as defined by RCW 9.26A.010 (1) is a national bank, state bank, trust company or any other banking institution subject to the supervision of the supervisor of banking of this state or any parent or subsidiary of such bank.

(6) "Franchisee" means a person to whom a franchise is offered or granted.

(7) "Franchisor" means a person who grants a franchise to another person.

(8) "Area franchise" means any contract or agreement between a franchisor or subfranchisor whereby the subfranchisor is granted the right to sell or negotiate the sale of franchises in the name or on behalf of the franchisor.

(9) "Subfranchisor" means a person to whom an area franchise is granted.

(10) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

(11) "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for the mandatory purchase of goods or services or any payment for goods or services available only from the franchisor, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bona fide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bona fide wholesale price of such goods; (c) a bona fide loan to the franchisee from the franchisor; (d) the purchase or

agreement to purchase goods at a bona fide retail price subject to a bona fide commission or compensation plan that in substance reflects only a bona fide wholesale transaction; (e) the purchase or lease or agreement to purchase or lease supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market or rental value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market or rental value; (g) amounts paid for trading stamps redeemable in cash only; (h) amounts paid for trading stamps to be used as incentives only and not to be used in, with, or for the sale of any goods.

(12) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(13) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Offer or offer to sell" includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

((16) "Chain distributor scheme" is a sales device whereby a person, under a condition that he make an investment, is granted a license or right to recruit for consideration one or more additional persons who are also granted such license or right upon condition of making an investment, and may further perpetuate the chain of persons who are granted such license or right upon such condition: A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the above license or right to recruit or the receipt of profits therefrom, does not change the identity of the scheme as a chain distributor scheme.))

Sec. 4. Section 18, chapter 252, Laws of 1971 ex. sess. as amended by section 10, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.180 are each amended to read as follows:

Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the franchisor or subfranchisor and the franchisees:

- (1) The parties shall deal with each other in good faith.
- (2) For the purposes of this chapter and without limiting its

general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefor unlawful and a violation of this chapter for any person to:

(a) Restrict or inhibit the right of the franchisees to join an association of franchisees.

(b) Require a franchisee to purchase or lease goods or services of the franchisor or from approved sources of supply unless and to the extent that the franchisor satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(c) Discriminate between franchisees in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(d) Sell, rent, or offer to sell to a franchisee any product or service for more than a fair and reasonable price.

(e) Obtain money, goods, services, anything of value, or any other benefit from any other person with whom the franchisee does business on account of such business unless such benefit is disclosed to the franchisee.

(f) If the franchise provides that the franchisee has an exclusive territory, which exclusive territory shall be specified in the franchise agreement, for the franchisor or subfranchisor to compete with the franchisee in an exclusive territory or to grant competitive franchises in the exclusive territory area previously granted to another franchisee.

(g) Require franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

(h) Impose on a franchisee by contract, rule, or regulation, whether written or oral, any standard of conduct unless the person so doing can sustain the burden of proving such to be reasonable and necessary.

(i) Refuse to renew a franchise without fairly compensating the franchisee for the fair market value, at the time of expiration of the franchise, of the franchisee's inventory, supplies, equipment, and furnishings purchased from the franchisor, and good will, exclusive of personalized materials which have no value to the franchisor, and inventory, supplies, equipment and furnishings not reasonably required in the conduct of the franchise business: PROVIDED, That compensation need not be made to a franchisee for good will if (i) the franchisee has been given one year's notice of nonrenewal and (ii) the franchisor agrees in writing not to enforce any covenant which restrains the franchisee from competing with the franchisor: PROVIDED FURTHER, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor.

(j) To terminate a franchise prior to the expiration of its term except for good cause. Good cause shall include, without limitation, the failure of the franchisee to comply with lawful material provisions of the franchise or other agreement between the franchisor and the franchisee and to cure such default after being given written notice thereof and a reasonable opportunity, which in no event need be more than thirty days, to cure such default, or if such default cannot reasonably be cured within thirty days, the failure of the franchisee to initiate within thirty days substantial and continuing action to cure such default: PROVIDED, That a franchisor may terminate a franchise without giving prior notice or opportunity to cure a default if the franchisee (i) is adjudicated a bankrupt or insolvent; (ii) makes an assignment for the benefit of creditors or similar disposition of the assets of the franchise business; (iii) voluntarily abandons the franchise business; or (iv) is convicted of or pleads guilty or no contest to a charge of violating any law relating to the franchise business. Upon termination for good cause, the franchisor shall purchase from the franchisee at a fair market value at the time of termination, the franchisee's inventory and supplies, exclusive of (i) personalized materials which have no value to the franchisor; (ii) inventory and supplies not reasonably required in the conduct of the franchise business; and (iii), if the franchisee is to retain control of the premises of the franchise business, any inventory and supplies not purchased from the franchisor or on his express requirement: PROVIDED, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor.

((k) Promote; offer or grant participation in a chain distributor scheme.))

NEW SECTION. Sec. 5. There is added to Title 19 RCW a new

chapter to read as set forth in sections 1 and 2 of this 1973 amendatory act.

Passed the House April 12, 1973.
Passed the Senate April 12, 1973.
Approved by the Governor April 14, 1973.
Filed in Office of Secretary of State April 16, 1973.

CHAPTER 34
[House Bill No. 428]
BENTON-FRANKLIN MENTAL HEALTH CENTER--WHATCOM
FAMILY SERVICE CENTER--APPROPRIATIONS

AN ACT Relating to mental health; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the state general fund for the biennium ending June 30, 1975, the sum of seventy-six thousand one hundred seventy-one dollars, or so much thereof as may be necessary to be used for the construction of the Benton-Franklin mental health and family counseling center located at Richland, Washington.

NEW SECTION. Sec. 2. There is hereby appropriated from the state general fund for the biennium ending June 30, 1975, the sum of fifty-seven thousand ninety-nine dollars, or so much thereof as may be necessary to be used for the construction of the Whatcom family service center located at Bellingham, Washington.

NEW SECTION. Sec. 3. This 1973 act is necessary for the immediate preservation of the public peace, health, safety, the support of state government and its existing public institutions, and shall take effect immediately.

Passed the House April 6, 1973.
Passed the Senate April 12, 1973.
Approved by the Governor April 14, 1973.
Filed in Office of Secretary of State April 16, 1973.

CHAPTER 35
[House Bill No. 753]
PUBLIC ASSISTANCE GRANTS--HIGH SCHOOL,
VOCATIONAL INSTITUTE STUDENTS

AN ACT Relating to public assistance; and adding new sections to

chapter 26, Laws of 1959 and to chapter 74.08 RCW.

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

NEW SECTION. Section 1. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

The department shall provide general assistance to any person who meets the eligibility requirements of RCW 74.08.025 and who at the time of attaining the age of eighteen years is attending a state approved high school or vocational or technical training institution and is a recipient or beneficiary of "public assistance" as defined in RCW 74.04.005(1): PROVIDED, That such general assistance shall continue so long as the person continually attends school on a full time basis in accordance with the requirements of the appropriate school authorities, through the end of the school year immediately following the person's eighteenth birthday: PROVIDED FURTHER, That the department of social and health services is authorized to extend this limitation for one additional year if in the opinion of the department such extension will result in the completion of a secondary education.

NEW SECTION. Sec. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

Grants shall be awarded on a uniform state-wide basis in accordance with standards of assistance established by the department for general assistance to unemployable persons.

Passed the House April 13, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 14, 1973.

Filed in Office of Secretary of State April 16, 1973.

CHAPTER 36

[Senate Bill No. 2054]

DRIVER'S LICENSES--REINSTATEMENT

FEEs

AN ACT Relating to driver's licenses; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 1, Laws of 1969 and RCW 46.20.311; and declaring an effective date.

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

Section 1. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 1, Laws of 1969 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed

period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

NEW SECTION. Sec. 2. This 1973 amendatory act shall take effect on July 1, 1973.

Passed the Senate March 20, 1973.

Passed the House March 17, 1973.

Approved by the Governor March 26, 1973, with the exception of Section 2 which is vetoed.

Filed in Office of Secretary of State April 17, 1973.

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

"I am returning herewith without my approval as to ^{Veto} one section Senate Bill No. 2054 entitled: ^{Message}

"AN ACT Relating to driver's licenses."

This bill provides for a ten dollar reinstatement fee in the event a person whose license has been suspended or revoked later asks for reinstatement. In addition, section two provides that the act will take effect on July 1, 1973, but does not contain an emergency clause. This section could be operative only if the legislature adjourns on or before April 1st of this year. In order to avoid

ambiguity, I have determined to veto section two. ^{Veto} Message

With the exception of section two, Senate Bill No. 2054 is approved."

CHAPTER 37

[Engrossed Senate Bill No. 2278]

INSURANCE--DRIVER EXPERIENCE ABSTRACTS--
USE LIMITATION

AN ACT Relating to insurance; and amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 3, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.130.

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

Section 1. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 3, chapter 40, Laws of 1969 ex. sess. and RCW 46.52.130 are each amended to read as follows:

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than ~~((five))~~ three years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving ~~((; and))~~; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: PROVIDED, That the abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom.

The director shall collect for each such abstract the sum of

one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault; PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Passed the Senate April 7, 1973.

Passed the House April 7, 1973.

Approved by the Governor April 18, 1973.

Filed in Office of Secretary of State April 19, 1973.

CHAPTER 38
[House Bill No. 36]
COUNTY FUNDS--SALARIES AND
WAGES--FUND TRANSFERS AUTHORIZED

AN ACT Relating to county funds; amending section 36.33.06C, chapter 4, Laws of 1963 as amended by section 1, chapter 214, Laws of 1971 ex. sess. and RCW 36.33.060; and amending section 2, chapter 214, Laws of 1971 ex. sess. and RCW 36.33.065.

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

Section 1. Section 36.33.06C, chapter 4, Laws of 1963 as amended by section 1, chapter 214, Laws of 1971 ex. sess. and RCW 36.33.060 are each amended to read as follows:

There is created in class AA and class A counties and counties of the first class a fund to be known as the salary fund, which shall be used for paying the salaries and wages of all officials and employees. In counties smaller than counties of the ((the)) first class the ((board of county commissioners)) legislative authority may by resolution establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the

jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Sec. 2. Section 2, chapter 214, Laws of 1971 ex. sess. and RCW 36.33.065 are each amended to read as follows:

The ((board of county commissioners)) legislative authority of any class county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund.

Passed the House March 9, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 39
[House Bill No. 51]
HORSE RACING--ADDITIONAL RACES
AUTHORIZED

AN ACT Relating to horse racing; and amending section 6, chapter 55, Laws of 1933 and RCW 67.16.050.

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

Section 1. Section 6, chapter 55, Laws of 1933 and RCW 67.16.050 are each amended to read as follows:

Every person making application for license to hold a race meet, under the provisions of this chapter shall file an application with the commission which shall set forth the time, the place, the number of days such meet will continue, and such other information as the commission may require. The commission shall be the sole judge of whether or not the race meet shall be licensed and the number of days the meet shall continue. No person who has been convicted of any crime involving moral turpitude shall be issued a license, nor shall any license be issued to any person who has violated the terms or provisions of this chapter, or any of the rules and regulations of the commission made pursuant thereto, or who has failed to pay to the commission any or all sums required under the provisions of this chapter. The license shall specify the number of days the race meet shall continue and the number of races per day, which shall be not less than six nor more than ((~~eight~~)) ten, and for which a fee shall

be paid in advance of one hundred dollars for each day: PROVIDED, That if unforeseen obstacles arise, which prevent the holding, or completion of any race meet, the license fee for the meet, or for a portion which cannot be held may be refunded the licensee, if the commission deems the reasons for failure to hold or complete the race meet sufficient. Any unexpired license held by any person who violates any of the provisions of this chapter, or any of the rules or regulations of the commission made pursuant thereto, or who fails to pay to the commission any and all sums required under the provisions of this chapter, shall be subject to cancellation and revocation by the commission. Such cancellation shall be made only after a summary hearing before the commission, of which three days' notice, in writing, shall be given the licensee, specifying the grounds for the proposed cancellation, and at which hearing the licensee shall be given an opportunity to be heard in opposition to the proposed cancellation.

Passed the House March 14, 1973.

Passed the Senate April 9, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 40

[House Bill No. 69]

LAND RECLAMATION--TAX LEVY

AUTHORITY--REPEALED

AN ACT Relating to land reclamation; amending section 2, chapter 104, Laws of 1959 as amended by section 2, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.020; and repealing section 12, chapter 518, Laws of 1919, section 1, chapter 51, Laws of 1925 ex. sess., section 1, chapter 218, Laws of 1927, section 1, chapter 94, Laws of 1929, section 1, chapter 80, Laws of 1931, section 1, chapter 24, Laws of 1933 and RCW 89.16.120.

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

Section 1. Section 2, chapter 104, Laws of 1959 as amended by section 2, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.020 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter the state reclamation revolving account, heretofore established and hereinafter called the reclamation account, shall consist of all sums appropriated thereto by the legislature; all gifts made to the state therefor and the proceeds of the sale thereof; the proceeds of the sale or redemption of and the interest earned by securities acquired

with the moneys thereof; and all reimbursements for moneys advanced for the payment of assessments upon public lands of the state for the improvement thereof((and all taxes received under levies authorized therefor)).

NEW SECTION. Sec. 2. Section 12, chapter 158, Laws of 1919, section 1, chapter 151, Laws of 1925 ex. sess., section 1, chapter 218, Laws of 1927, section 1, chapter 94, Laws of 1929, section 1, chapter 80, Laws of 1931, section 1, chapter 24, Laws of 1933 and RCW 89.16.120 are each hereby repealed.

Passed the House March 9, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

 CHAPTER 41
 [House Bill No. 112]
 MILK--ASSESSMENT RATE
 REVISIONS

AN ACT Relating to dairy products and providing for an assessment; and amending section 15.44.080, chapter 11, Laws of 1961 as last amended by section 1, chapter 60, Laws of 1969 and RCW 15.44.080.

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

Section 1. Section 15.44.080, chapter 11, Laws of 1961 as last amended by section 1, chapter 60, Laws of 1969 and RCW 15.44.080 are each amended to read as follows:

(1) There is hereby levied upon all milk ((and cream)) produced in this state an assessment of ((:

{1} One cent per pound butter fat of wholly or partially farm separated cream) 0.6% of class I price for 3.5% butter fat milk as established in any market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; and

(2) ((Four cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.))

Subject to approval by a producer referendum as provided in this section, the commission shall have the further power and duty to increase the amount of the assessment to be levied upon either milk or cream according to the necessities required to effectuate the stated purpose of the commission.

In determining such necessities, the commission shall consider

one or more of the following:

(a) The necessities of--

(i) developing better and more efficient methods of marketing milk and related dairy products;

(ii) aiding dairy producers in preventing economic waste in the marketing of their commodities;

(iii) developing and engaging in research for developing better and more efficient production, marketing and utilization of agricultural products;

(iv) establishing orderly marketing of dairy products;

(v) providing for uniform grading and proper preparation of dairy products for market;

(vi) providing methods and means including but not limited to public relations and promotion, for the maintenance of present markets, for development of new or larger markets, both domestic and foreign, for dairy products produced within this state, and for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(vii) restoring and maintaining adequate purchasing power for dairy producers of this state; and

(viii) protecting the interest of consumers by assuring a sufficient pure and wholesome supply of milk and cream of good quality;

(b) The extent and probable cost of required research and market promotion and advertising;

(c) The extent of public convenience, interest and necessity; and

(d) The probable revenue from the assessment as a consequence of its being revised.

This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

The increase in assessment or any part thereof to be charged producers on milk and cream provided for in this section shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in assessment or part thereof provided for in this section shall be by secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts said ballots.

Any proposed increase in assessments by the commission subsequent to a decrease in assessments as provided for in RCW

15.44.130(2) shall be subject to a referendum and approval by producers as herein provided.

Passed the House March 20, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 42

[House Bill No. 124]

REAL ESTATE BROKERS AND SALESMEN--
IDENTIFICATION--FINGERPRINTS--
REQUIRED

AN ACT Relating to real estate brokers and salesmen; and amending section 10, chapter 222, Laws of 1951 as amended by section 6, chapter 235, Laws of 1953 and RCW 18.85.120.

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

Section 1. Section 10, chapter 222, Laws of 1951 as amended by section 6, chapter 235, Laws of 1953 and RCW 18.85.120 are each amended to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of fifteen dollars if a salesman's license is applied for and of twenty-five dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so

served upon the director shall be in duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by registered mail to the office address of the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Passed the House March 14, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 43
[House Bill No. 127]
COUNTY TREASURER--TAX DISTRIBUTION--
ALTERNATE FORMULA

AN ACT Relating to taxation; and amending section 84.56.230, chapter 15, Laws of 1961 and RCW 84.56.230.

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

Section 1. Section 84.56.230, chapter 15, Laws of 1961 and RCW 84.56.230 are each amended to read as follows:

On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor; PROVIDED, HOWEVER, That the county treasurer, at his option, may distribute the total amount of such taxes collected according to the ratio that the levy of taxes made for each taxing district in the county bears to such total amount collected. On or before the tenth day of each month the county treasurer shall turn over to the respective city treasurers the cities' pro rata share of all taxes collected for the previous month ((for such cities, respectively,)) and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate

one copy of the receipt of the city treasurer therefor.

Passed the House March 9, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 44

[House Bill No. 160]

PERSONAL PROPERTY--POLICE POSSESSION--
DISPOSAL PERIOD

AN ACT Relating to personal property; amending section 1, chapter 100, Laws of 1925 ex. sess. as amended by section 1, chapter 148, Laws of 1939 and RCW 63.32.010; amending section 2, chapter 289, Laws of 1959 and RCW 63.36.010; amending section 3, chapter 289, Laws of 1959 and RCW 63.36.020; and amending section 1, chapter 104, Laws of 1961 and RCW 63.40.010.

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

Section 1. Section 1, chapter 100, Laws of 1925 ex. sess. as amended by section 1, chapter 148, Laws of 1939 and RCW 63.32.010 are each amended to read as follows:

Whenever any personal property shall come into the possession of the police authorities of any city (~~of the first or second class~~) in connection with the official performance of their duties and said personal property shall remain unclaimed or not taken away for a period of (~~six months~~) sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of (~~six months~~) sixty days from the time said property came into the possession of the police department, unless said property has been held as evidence in any court, then, in that event, after (~~six months~~) sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said city may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided.

Sec. 2. Section 2, chapter 289, Laws of 1959 and RCW 63.36.010 are each amended to read as follows:

Whenever any unclaimed personal property or moneys in the possession of the governing authority of any city or town, or department or agency thereof, have not been claimed for a period of (~~one year~~) sixty days or more from the date the property first came into such possession or from the date the moneys first became payable or returnable, the governing authority shall cause a notice to be

published at least once a week for two successive weeks in a newspaper of general circulation in the county in which such city or town is located. The notice shall set forth the name, if known, and the last known address, if any, of each person appearing from the records of the governing authority to be the owner of any such unclaimed money or personal property; a brief statement concerning the amount of money or a description of the personal property; and the name and address of the governing authority, department or agency possessing the money or personal property and the place where it may be claimed.

Sec. 3. Section 3, chapter 289, Laws of 1959 and RCW 63.36.020 are each amended to read as follows:

If the owner of, or other person having a claim to, any such personal property or money does not claim the property or money within ((~~ninety~~)) ten days after the last date the notice was published, such governing authority shall cause any such personal property to be sold at public auction pursuant to a public notice published in a newspaper of general circulation within the city or town at least ten days prior thereto. The notice shall state the day, time, and place of sale and contain a description of the personal property to be sold.

Sec. 4. Section 1, chapter 104, Laws of 1961 and RCW 63.40.010 are each amended to read as follows:

Whenever any personal property, other than vehicles governed by chapter 46.52, shall come into the possession of the sheriff of any county in connection with the official performance of his duties and said personal property shall remain unclaimed or not taken away for a period of ((~~six months~~)) sixty days from date of written notice to the owner thereof, if known, and in all other cases for a period of ((~~six months~~)) sixty days from the time said property came into the possession of the sheriff's office, unless said property has been held as evidence in any court, then, in that event, after ((~~six months~~)) sixty days from date when said case has been finally disposed of and said property released as evidence by order of the court, said county sheriff may at any time thereafter sell said personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 45

[House Bill No. 164]

COUNTY AUDITOR--TREASURER'S RECORDS
COMPARISON--DUTY REMOVED

AN ACT Relating to county law; and amending section 84.56.300, chapter 15, Laws of 1961 and RCW 84.56.300.

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

Section 1. Section 84.56.300, chapter 15, Laws of 1961 and RCW 84.56.300 are each amended to read as follows:

On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collection and credits on account of errors and double assessments, should balance his roll accounts as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. (He shall also at the same time submit to the auditor his collection register, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection register submitted to him; and shall note if the tax rolls are properly marked opposite each tract or tax with the date and number of the treasurer's receipt that he gave in discharge of any tax; if same is properly entered to the credit of each tract or tax described in such receipt; and if the description; amount; names and numbers and funds agree. The auditor shall also compare such receipts with the treasurer's cash book or collection register; upon which he is required to post them and if properly credited to the several funds; and also coincides in all respects with the tax rolls; he shall then test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the interest required to be added after taxes have become delinquent has been collected and properly accounted for; and if so charge the treasurer therewith. If the treasurer's receipts in all respects are correct and true; and the collections fully and properly accounted for on the same; the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to

date:))

Passed the House March 9, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 46

[House Bill No. 234]

HIGHER EDUCATION, ADMINISTRATIVE

POWERS--COMMUNITY COLLEGES

AN ACT Relating to higher education; amending section 3, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.041; amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.600; amending section 17, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.180; amending section 4, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.040; amending section 11, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.110; amending section 12, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.120; amending section 28B.50.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.040; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter ... (HB No. ...), Laws of 1973 and RCW 28B.50.060; amending section 3, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.704; repealing sections 28B.50.560, 28B.50.620, 28B.50.630, 28B.50.650, 28B.50.670 and 28B.50.680, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.560, 28B.50.620, 28B.50.630, 28B.50.650, 28B.50.670 and 28B.50.680; creating new sections; and making effective dates.

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

Section 1. Section 3, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.041 are each amended to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's community colleges, state colleges, and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, state colleges or universities for the express purpose of funding student activities and programs of their particular institution.

Sec. 2. Section 28B.15.600, chapter 223, Laws of 1969 ex.

sess. as amended by section 15, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.600 are each amended to read as follows:

The boards of regents of the state's universities and the boards of trustees of the state colleges and community colleges may refund or cancel in full general tuition fees, operating fees, and services and activities 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 or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. Said boards of regents and trustees may extend the refund or cancellation 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.

Sec. 3. Section 17, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.180 are each amended to read as follows:

(1) An employee who is terminated from service may request the institution or related board to place his name on an appropriate reemployment list and the institution shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits.

Sec. 4. Section 4, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.040 are each amended to read as follows:

If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety, or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a brief statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser. An emergency rule or amendment shall not remain in effect for longer than ninety days.

Emergency rules shall become effective ((when promulgated)) upon filing with the code reviser unless an effective date is specified in the rule.

Sec. 5. Section 11, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.110 are each amended to read as follows:

(1) The informal procedures heretofore established or

hereafter promulgated by rule by institutions of higher education for the disposition of contested cases, may be utilized by institutions, where authorized by the governing boards of the institutions.

(2) Any person who is charged with an offense potentially punishable by suspension, or termination of his relationship with the institution and (a) who elects to waive the opportunity for an informal hearing, or (b) who by his conduct in the judgment of the hearing officer or board makes it impossible to conduct an informal hearing, or (c) who deems himself aggrieved by the disposition of any contested case following an informal proceeding undertaken pursuant to subsection (1) above, may have charges against him adjudicated in a formal hearing pursuant to RCW 28B.19.120: PROVIDED, That any request for a formal hearing is directed to the president of the institution or his designee (i) within ten days after notification of the time and place of an informal hearing, or (ii) within five days after communication of the hearing officer or board chairman ruling that it is impossible to conduct an informal hearing for whatever reason, or (iii) within ten days after conclusion of the informal proceeding and notice of the final decision to the party charged with an offense.

(3) Formal procedures established or hereafter promulgated by rule by institutions of higher education for the disposition of contested cases may be utilized by such institutions where authorized by the governing board.

(4) Where a formal hearing is conducted following conclusion or termination of an informal hearing authorized by subsection (1) above, the formal hearing shall be conducted as if the informal hearing had not commenced or taken place.

Sec. 6. Section 12, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.120 are each amended to read as follows:

(1) In any contested case where informal procedures authorized by RCW 28B.19.110(1) are not used and where the formal procedures are invoked because of necessity or request in accordance with RCW 28B.19.110(2), or by institutional rule in accordance with RCW 28B.19.110(3), as in section 6 of this 1973 amendatory act amended, all parties shall be afforded an opportunity for hearing after not less than ten days' notice. The notice shall include:

(a) A statement of the time, place, and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular rules of the institution involved;

(d) A short and plain statement of the matters asserted. If the institution or other party is unable to state the matters in

detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Hearings may be held or conducted by any officer or committee authorized by the president of any institution of higher education. The hearing officer or committee shall determine whether the hearing shall be open to the educational community in which it takes place, or whether particular persons should be permitted in attendance or excluded from attendance.

(3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved, and to examine and cross-examine witnesses.

(4) Statements, testimony, and all other evidence given at an informal proceeding authorized pursuant to RCW 28B.19.110(1) shall be confidential and shall not be subject to discovery or released to anyone, including the officer or committee conducting a formal hearing or the parties involved, or used for impeachment purposes, without permission of the person who divulged the information.

(5) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default, or other established informal procedure.

(6) The record in a contested case shall include:

- (a) All documents, motions, and intermediate rulings;
- (b) Evidence received or considered;
- (c) A statement of matters officially noticed;
- (d) Questions and offers of proof, objections, and rulings thereon;
- (e) Proposed findings and exceptions; and
- (f) Any decision, opinion, or report by the officer or committee chairman presiding at the hearing.

(7) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.

(8) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(9) Each institution shall adopt appropriate rules of procedure for notice and hearing informal contested cases.

(10) Institutions, or their authorized hearing officer or committee, may:

- (a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;
- (b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the institution, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(f) Dispose of procedural requests or similar matters;

(g) Make decisions or proposals for decisions; and

(h) Take any other action authorized by rule consistent with this chapter.

Sec. 7. Section 28B.50.040, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.040 are each amended to read as follows:

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, and the King county portion of Puyallup common school district No. 3;

(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 and the Lincoln county portion of common school district 167-202), 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 and common school district 167-202;

(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.

Sec. 8. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 14, chapter ... (HB No. ...), Laws of 1973 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 time to the duties of his office and shall not 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)) 42.18 RCW, the ((code of ethics for public officers and employees)) executive conflict of interest act.

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 who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel 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.

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. 9. Section 3, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.704 are each amended to read as follows:

Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with RCW 28B.10.703 shall include but not be limited to moneys received as contributed or donated funds, or revenues derived from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts.

NEW SECTION. Sec. 10. The following acts or parts of acts thereof are each hereby repealed:

(1) Section 28B.50.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.560;

(2) Section 28B.50.620, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.620;

(3) Section 28B.50.630, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.630;

(4) Section 28B.50.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.650;

(5) Section 28B.50.670, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.670; and

(6) Section 28B.50.680, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.680: PROVIDED, That this section shall not be effective until June 30, 1974.

NEW SECTION. Sec. 11. If any provision of this 1973 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 March 17, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 47

[Substitute House Bill No. 264]

LIENS--MECHANICS' AND MATERIALMEN'S--

CONSTRUCTION LOAN MORTGAGES--

DRAW REGULATIONS--PRIORITY

AN ACT Relating to mechanics' and materialmen's liens and construction loan mortgages; and adding new sections to chapter 60.04 RCW.

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

NEW SECTION. Section 1. There is added to chapter 60.04 RCW a new section to read as follows:

As used in this chapter, the following meanings shall apply:

(1) "Lender" means any person or entity regularly providing interim or construction financing.

(2) "Interim or construction financing" means that portion of money secured by mortgage, deed of trust, or other encumbrance to finance construction of improvements on, or development of, real property, but does not include:

(a) Funds to acquire real property;

(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;

(c) Funds to pay loan, commitment, title, legal, closing, recording or appraisal fees;

(d) Funds to pay other customary fees; which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;

(e) Funds to acquire personal property for which the potential

lien claimant may not claim a lien pursuant to chapter 60.04 RCW.

(3) "Owner" means the record holder of the legal or beneficial title to the real property to be improved or developed.

(4) "Potential lien claimant" means any person or entity entitled to assert lien rights pursuant to this chapter and has otherwise complied with the provisions of this chapter and the requirements of chapter 18.27 RCW if required by the provisions thereof.

(5) "Draws" means periodic disbursements of interim or construction financing by a lender.

NEW SECTION. Sec. 2. There is added to chapter 60.04 RCW a new section to read as follows:

Any lender providing interim or construction financing where there is not a payment bond of at least fifty percent of the amount of construction financing shall observe the following procedures:

(1) Draws against construction financing shall be made only after certification of job progress by the general contractor and the owner or his agent in such form as may be prescribed by the lender.

(2) Any potential lien claimant who has not received a payment within twenty days after the date required by his contract or purchase order may within twenty days thereafter file a notice as provided herein of the sums due and to become due, for which a potential lien claimant may claim a lien under chapter 60.04 RCW.

(3) The notice must be filed in writing with the lender at the office administering the interim or construction financing, with a copy furnished to the owner and appropriate general contractor. The notice shall state in substance and effect that such person, firm or corporation has furnished labor, materials and supplies, or supplied equipment for which right of lien is given by this chapter, with the name of the general contractor, agent or person ordering the same, a common or street address of the real property being improved or developed, or if there be none the legal description of said real property, description of the labor, or material furnished, or equipment leased, the name, business address and telephone number of said lien claimant which notice shall be given by mailing the same by registered or certified mail, return receipt requested.

(4) After the receipt of such notice, the lender shall withhold from the next and subsequent draws such percentage thereof as is equal to that percentage of completion as certified in subsection (1) of this section, which is attributable to the potential lien claimant as of the date of the certification of job progress for the draw in question less contracted retainage. The percentage of completion attributable to the the lien claimant shall be calculated from said certification of job progress, and shall be reduced to reflect any sums paid to or withheld for the potential

lien claimant. Alternatively, the lender may obtain from the general contractor or borrower a payment bond for the benefit of the potential lien claimant in such sum.

(5) Sums so withheld shall not be disbursed by the lender except by the written agreement of the potential lien claimant, owner and general contractor in such form as may be prescribed by the lender, or the order of a court of competent jurisdiction.

(6) In the event a lender fails to abide by the provisions of subsections (4) or (5) of this section, then the mortgage, deed of trust or other encumbrance securing the lender will be subordinated to the lien of the potential lien claimant to the extent of the interim or construction financing wrongfully disbursed, but in no event in an amount greater than the sums ultimately determined to be due the potential lien claimant by a court of competent jurisdiction, or more than the sum stated in the notice, whichever is less.

(7) Any potential lien claimant shall be liable for any loss, cost or expense, including reasonable attorney fees, to the party injured thereby arising out of any unjust, excessive or premature notice of claim.

NEW SECTION. Sec. 3. There is added to chapter 60.04 RCW a new section to read as follows:

Except as provided in RCW 60.04.050 or in this 1973 act any mortgage or deed of trust shall be prior to all liens, mortgages, deeds of trust and other encumbrances which have not been recorded prior to the recording of such mortgage or deed of trust to the extent of all sums secured by such mortgage or deed of trust regardless of when the same are disbursed or whether such disbursements are obligatory.

NEW SECTION. Sec. 4. If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 13, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 48
 [House Bill No. 361]
 PUBLIC ASSISTANCE--MEDICAL CARE
 VENDORS--CHARGE PRESENTATION
 PERIOD

AN ACT Relating to public assistance; and amending section 74.09.160,

chapter 26, Laws of 1959 and RCW 74.09.160.

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

Section 1. Section 74.09.160, chapter 26, Laws of 1959 and RCW 74.09.160 are each amended to read as follows:

Each vendor or group who has a contract and is rendering service to eligible persons as defined in this chapter shall submit such charges as agreed upon between the ((division of medical care)) department and the individual or group on a monthly basis and shall present their final charges not more than sixty days after the termination of service. If the final charges are not presented within the sixty day period they shall not be a charge against the state unless previous extension in writing has been given by the ((division of medical care)) department. Said sixty day period may also be extended by regulation, but only if required by applicable federal law or regulation, and to no more than the extension of time so required.

The department is authorized to set up a medical prepayments revolving fund, or funds, to be used solely for the payment of medical care. Deposits into this fund or these funds shall be made from the appropriation for medical care. Such deposits shall be based upon a per capita amount per beneficiary, said amounts to be determined by the department from time to time. The department may set up such fund or funds to cover any one, several, or all items of the medical care costs of one, several, or all public assistance programs as deemed most advantageous by the ((director)) secretary for the best interests of the state: PROVIDED, That in the event such fund, or funds is, or are dissolved, the federal government shall be reimbursed for its proportionate share of contributions into such fund or funds.

Passed the House March 17, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 49
[House Bill No. 363]
PUBLIC ASSISTANCE RECIPIENTS--
INCOME REPORT PERIOD

AN ACT Relating to public assistance; amending section 74.04.300, chapter 26, Laws of 1959 as amended by section 18, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.300; and adding a new section to chapter 74.04 RCW.

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

Section 1. Section 74.04.300, chapter 26, Laws of 1959 as amended by section 18, chapter 173, Laws of 1969 ex. sess. and RCW 74.04.300 are each amended to read as follows:

If a recipient receives public assistance for which he is not eligible, or receives public assistance in an amount greater than that for which he is eligible, the portion of the payment to which he is not entitled shall be a debt due the state: PROVIDED, That if any part of any assistance payment is obtained by a person as a result of a wilfully false statement, or representation, or impersonation, or other fraudulent device, or wilful failure to reveal resources or income, one hundred twenty-five percent of the amount of assistance to which he was not entitled shall be a debt due the state and shall become a lien against the real and personal property of such person from the time of filing by the department with the county auditor of the county in which the person resides or owns property, and such lien claim shall have preference to the claims of all unsecured creditors. It shall be the duty of recipients of public assistance to notify the department within ((thirty)) twenty days of the receipt or possession of all income or resources not previously declared to the department, and any failure to so report shall be prima facie evidence of fraud: PROVIDED FURTHER, That there shall be no liability placed upon recipients for receipt of overpayments of public assistance which result from error on the part of the department and no fault on the part of the recipient in obtaining or retaining the assistance if the recovery thereof would be inequitable as determined by the director or his designee.

Debts due the state pursuant to the provisions of this section, may be recovered by the state by deduction from the subsequent assistance payments to such persons or may be recovered by a civil action instituted by the attorney general.

NEW SECTION. Sec. 2. There is added to chapter 74.04 RCW a new section to read as follows:

The department may establish, by rule and regulation, the availability of a contract of sale of real or personal property as a resource or income as defined in RCW 74.04.005.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 50
[House Bill No. 389]
PUBLIC LANDS--INTERGOVERNMENTAL EXCHANGE
AUTHORITY--COMMERCIAL RECREATIONAL
LEASING POTENTIAL

AN ACT Relating to the exchange of lands; amending section 1, chapter 77, Laws of 1937 as amended by section 1, chapter 77, Laws of 1961 and RCW 76.12.050; and amending section 1, chapter 290, Laws of 1957 as amended by section 4, chapter 77, Laws of 1961 and RCW 79.08.180.

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

Section 1. Section 1, chapter 77, Laws of 1937 as amended by section 1, chapter 77, Laws of 1961 and RCW 76.12.050 are each amended to read as follows:

The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board of natural resources shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and land owned by the state under the jurisdiction of the department of natural resources, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

Sec. 2. Section 1, chapter 290, Laws of 1957 as amended by section 4, chapter 77, Laws of 1961 and RCW 79.08.180 are each amended to read as follows:

For the purpose of facilitating the marketing of forest products of state lands, or consolidating and blocking up of state lands, or the acquisition of lands having commercial recreational leasing potential, the commissioner of public lands may, with the advice and approval of such state board, commission, committee, or agency exercising control over the disposal of the land involved, exchange any state lands with any timber thereon for any other land of equal value, including other state lands, lands of the United States, county or municipal lands of any character, and privately owned lands.

Passed the House March 9, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 51

[Substitute House Bill No. 410]

HOMEMAKER--HOME HEALTH SERVICE--AUTHORIZED

AN ACT Relating to the public health, safety, and welfare; and adding new sections to chapter 74.08 RCW.

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

NEW SECTION. Section 1. The legislature finds that it is desirable to provide certain services for certain citizens in order that such persons may remain in their own homes and maintain a closer contact with the community. Such a program will seek to prevent mental and psychological deterioration which our citizens might otherwise experience.

NEW SECTION. Sec. 2. (1) The term "services" shall include homemaker-home health services, chore services and personal and household services.

(2) The goal of the homemaker-home health service within the department of social and health services shall be to maintain, strengthen, improve and safeguard home and family life by augmenting professional services in homes where there are social and/or health needs which interfere with the independent functioning of an individual or family.

The principal purpose of the homemaker-home health service shall be:

(a) To keep the family together while the natural homemaker is incapacitated, either in or out of the home; and to prevent family breakdown for any other reason, thus avoiding the shock of separating children from their parents, their brothers and sisters, their schools, their friends.

(b) To enable the elderly, the chronically ill, the mentally ill, retarded, or otherwise disabled individual to remain in or return to his own home among familiar surroundings whenever possible in accordance with RCW 74.08.283.

(c) To permit an individual to remain at home, or, to return home sooner than he otherwise could from an institution. This will allow for more appropriate utilization of hospitals, nursing homes, and other facilities. It will help offset the cost of expensive institutional care for the family, the individual and the community.

(d) To keep the employed adult on the job who otherwise must take unscheduled time off to care for children, an elderly parent, or an ill relative.

(e) To help individuals and families learn better management of daily living, including improved child-rearing practices and self-care.

(3) Housekeeping service shall mean service primarily concerned with the performance of household tasks and the physical care of small children where required. Housekeeping services do not include the assumption of parental duties normally associated with the direction and management of children.

Housekeeping service is an additional requirement when the normal caretaker of the children:

(a) Is in the home (except for a temporary period) and retains responsibility for direction and management of the children;

(b) Is in the home but is physically unable to perform the necessary household services and/or physical care of children without assistance; and

(c) Is not available and there is no person available to render the service without cost.

(4) Chore services includes the provision of household and personal care as needed to give attention and protection for the client's safety and well-being.

Chore services means services in performing light work, household tasks or personal care which eligible persons are unable to do for themselves because of frailty or other conditions. Chore services include, but are not limited to assisting in keeping client and home neat and clean, preparation of meals, help in shopping, lawn care, simple household repairs, running errands, wood chopping, and other tasks as required.

Eligible persons shall be recipients of old age assistance, aid to the blind, disability assistance, and general assistance to the unemployable who are potential disability assistance recipients, nonrecipients sixty-five years old or over released from a mental institution who are eligible for medical assistance under the state's Title XIX plan, and those potential recipients who would otherwise be eligible for public assistance if the cost of this service were an additional grant requirement.

NEW SECTION. Sec. 3. The department of social and health services is authorized to develop a program to provide for those services enumerated in section 2 of this act.

NEW SECTION. Sec. 4. In developing the program set forth in section 3 of this act, the department shall, to the extent possible, and consistent with federal law, enlist the services of persons receiving grants under the provisions of RCW 74.08 and RCW 74.12 to carry out the services enumerated under section 2 herein. To this end, the department shall establish appropriate rules and regulations designed to determine eligibility for employment under this section, as well as regulations designed to notify persons receiving such grants of eligibility for such employment. The department shall further establish a system of compensation to persons employed under

the provisions of this section which provides that any grants they receive under RCW 74.08 or RCW 74.12 shall be diminished by such percentage of the compensation received under this section as the department shall establish by rules and regulations.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 74.08 RCW.

Passed the House April 13, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 52

[House Bill No. 422]

DEPARTMENT OF LABOR AND INDUSTRIES--

DIVISION NAME CHANGE,

DUTY TRANSFER

AN ACT Relating to the department of labor and industries, division of industrial safety and health; amending section 2, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.200; amending section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010; amending section 43.22.040, chapter 8, Laws of 1965 and RCW 43.22.040; amending section 43.22.050, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1971 ex. sess. and RCW 43.22.050; amending section 43.22.200, chapter 8, Laws of 1965 and RCW 43.22.200; amending section 43.22.210, chapter 8, Laws of 1965 and RCW 43.22.210; amending section 8, chapter 131, Laws of 1937 and RCW 49.24.070; amending section 51.16.105, chapter 23, Laws of 1961 as amended by section 86, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.105; amending section 1, chapter 26, Laws of 1963 as amended by section 1, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.010; amending section 3, chapter 26, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1971 and RCW 70.87.030; repealing section 43.22.120, chapter 8, Laws of 1965 and RCW 43.22.120; repealing section 43.22.130, chapter 8, Laws of 1965 and RCW 43.22.130; repealing section 43.22.140, chapter 8, Laws of 1965 and RCW 43.22.140; repealing section 43.22.150, chapter 8, Laws of 1965 and PCW 43.22.150; repealing section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160; repealing section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170; repealing section

43.22.190, chapter 8, Laws of 1965 and RCW 43.22.190; repealing section 43.22.250, chapter 8, Laws of 1965 and RCW 43.22.250; repealing section 43.22.320, chapter 8, Laws of 1965 and RCW 43.22.320; declaring an emergency; and providing an effective date.

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

Section 1. Section 2, chapter 305, Laws of 1971 ex. sess. and RCW 18.71.200 are each amended to read as follows:

As used in RCW 18.71.020, "physician's trained mobile intensive care paramedic" means a person who:

(1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the division of industrial safety and health, department of labor and industries; and

(2) is trained by a licensed physician:

(a) to carry out all phases of cardio-pulmonary resuscitation;

(b) to administer drugs under written or oral authorization of a licensed physician; and

(c) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the University of Washington's school of medicine or by their designated representatives.

Sec. 2. Section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010 are each amended to read as follows:

The department of labor and industries shall be organized into ~~((six))~~ five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) ~~((the division of mining safety, (4))~~ the division of industrial relations, ~~((5))~~ (4) the division of apprenticeship, and ~~((6))~~ (5) the division of building and construction safety inspection services, which last mentioned division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and hotel inspection.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department.

Sec. 3. Section 43.22.040, chapter 8, Laws of 1965 and RCW 43.22.040 are each amended to read as follows:

The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial safety and health, who shall have charge and supervision of the division of industrial safety and health.

The supervisor of industrial safety and health, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 4. Section 43.22.050, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1971 ex. sess. and RCW 43.22.050 are each amended to read as follows:

The director of labor and industries, through the division of industrial safety and health, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof.

Sec. 5. Section 43.22.200, chapter 8, Laws of 1965 and RCW 43.22.200 are each amended to read as follows:

The ((chief inspector)) supervisor of the division of industrial safety and health or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the

mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit.

Sec. 6. Section 43.22.210, chapter 8, Laws of 1965 and RCW 43.22.210 are each amended to read as follows:

(1) It shall be the duty of the ((said inspector)) supervisor of the division of industrial safety and health or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The ((mine inspector)) supervisor or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the ((inspection)) department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the ((inspection)) department to enter any mine, the ((inspector)) supervisor or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the ((mine inspector)) supervisor or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, ((said inspector)) the supervisor shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the ((inspector)) supervisor shall, through the ((prosecuting attorney of the county in which the mine is located)) attorney general, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: PROVIDED, That if the said

court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the ((county in which the mine is located)) state: PROVIDED, ALSO, That should ((any inspector)) the supervisor find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, ((said inspector)) the supervisor shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the ((inspector)) supervisor shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The ((mine inspector)) supervisor or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the ((inspection)) department. To enable the ((mine inspector)) supervisor or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the ((county in which such accident has occurred, in the same manner as the costs of the coroner's inquests or investigations are paid)) state.

((6) During his absence from the state on official business, or at such times as he may be incapacitated by illness, or by other causes, the mine inspector shall have the authority to designate his deputy to act as mine inspector:

{7} Whenever a properly signed and executed petition is filed in the superior court, stating that the mine inspector, or his deputy, has neglected his duties, or is incompetent, or is guilty of malfeasance in office, it shall be the duty of said court to issue a citation in the name of the state to said inspector to appear (at not less than five days' notice) on a day fixed, before said court, and the court shall then proceed to inquire into and investigate the allegations of the petitioners. Such action shall be prosecuted by the county attorney:

{8} The above mentioned petition shall be signed by twenty residents of the state, reputable citizens who are employed in or about the mines, or who are engaged in the operations of mines. It shall be accompanied by the affidavits of two or more of the petitioners, and by a bond in the sum of five hundred dollars, running to the state:

{9} If the court finds that the said mine inspector or his

deputy is neglectful of his duties or is incompetent to perform the duties of his office; or that he is guilty of malfeasance in office; the court shall certify the same to the governor; who shall declare the office of said inspector vacant: This office shall then be filled in compliance with the provisions of this act [1947 c 36]:

{10} If the charges are not proved the costs of the investigation shall be imposed on the petitioners: If the charges are proved the costs of the investigation shall be paid by the county in which the charges are preferred:))

Sec. 7. Section 8, chapter 131, Laws of 1937 and RCW 49.24.070 are each amended to read as follows:

The director of labor and industries through and by means of the division of industrial safety and health shall have the power and it shall be his duty to enforce the provisions of RCW 49.24.010 through 49.24.070. Any authorized inspector or agent of the division of industrial safety and health may issue and serve upon the employer or person in charge of such work, an order requiring compliance with a special provision or specific provisions of RCW 49.24.010 through 49.24.070 and directing the discontinuance of any employment of persons in compressed air in connection with such work until such specific provision or provisions have been complied with by such employer to the satisfaction of the division of industrial safety and health.

Sec. 8. Section 51.16.105, chapter 23, Laws of 1961 as amended by section 86, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.105 are each amended to read as follows:

All expenses of the industrial safety and health division of the department pertaining to workmen's compensation shall be paid by the department and financed by premiums and by assessments collected from a self-insurer as provided in this title.

Sec. 9. Section 1, chapter 26, Laws of 1963 as amended by section 1, chapter 108, Laws of 1969 ex. sess. and RCW 70.87.010 are each amended to read as follows:

For the purposes of this chapter, except where a different interpretation is required by the context:

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this chapter and work on the erection of which was begun not more than

twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building or structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Belt manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of industrial safety and health of the department of labor and industries;

(11) "Supervisor" means the supervisor, of the division of industrial safety and health of the department of labor and

industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

(14) "One man capacity manlift" means a single passenger, hand powered counterweighted device, or electric powered device, which travels vertically in guides and serves two or more landings.

Sec. 10. Section 3, chapter 26, Laws of 1963 as last amended by section 1, chapter 66, Laws of 1971 and RCW 70.87.030 are each amended to read as follows:

The director of the department of labor and industries shall administer this chapter through the supervisor of the division of building and construction safety inspection services: PROVIDED, That, except for the new construction thereof, all handpowered elevators, belt manlifts, and one-man capacity manlifts installed in or on grain elevators shall be the responsibility of the division of industrial safety and health of the department of labor and industries. The supervisor shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: PROVIDED, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this chapter. The director of the department of labor and industries by rule and regulation shall establish a schedule of fees to pay the costs incurred by the department for the work related to administration and enforcement of this chapter. Nothing in this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders (~~in accordance with the provisions of chapter 49:46~~ ~~REW~~) as provided by law.

NEW SECTION. Sec. 11. The following acts or parts of acts are each hereby repealed:

(1) Section 43.22.120, chapter 8, Laws of 1965 and RCW 43.22.120;

(2) Section 43.22.130, chapter 8, Laws of 1965 and RCW 43.22.130;

(3) Section 43.22.140, chapter 8, Laws of 1965 and RCW 43.22.140;

(4) Section 43.22.150, chapter 8, Laws of 1965 and RCW 43.22.150;

(5) Section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160;

(6) Section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170;

(7) Section 43.22.190, chapter 8, Laws of 1965 and RCW 43.22.190;

(8) Section 43.22.250, chapter 8, Laws of 1965 and RCW 43.22.250; and

(9) Section 43.22.320, chapter 8, Laws of 1965 and RCW 43.22.320.

NEW SECTION. Sec. 12. This 1973 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 July 1, 1973.

Passed the House March 17, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 53

[House Bill No. 423]

ALIEN BANKS--REGULATION

AN ACT Relating to alien banks; amending section 30.40.020, chapter 33, Laws of 1955 as amended by section 6, chapter 136, Laws of 1969 and RCW 30.40.020; amending section 30.04.290, chapter 33, Laws of 1955 as amended by section 1, chapter 20, Laws of 1961 and RCW 30.04.290; adding a new chapter to Title 30 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. The purpose of this chapter is to establish a legal and regulatory framework for operation by alien banks in the state of Washington that will:

(1) Create a financial climate which will benefit the economy of the state of Washington;

(2) Provide a well regulated and supervised financial system to assist the movement of foreign capital into Washington state for the support and diversification of the local industrial base;

(3) Assist the development of the economy of the state of Washington without disrupting business relationships of state and federal financial institutions.

NEW SECTION. Sec. 2. For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alien bank" means a bank organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

(2) "Office" means a branch or agency of an alien bank carrying on business in this state pursuant to this chapter.

(3) "Branch" means an office of an alien bank that is exercising the powers authorized by section 11 of this 1973 amendatory act.

(4) "Agency" means an office of an alien bank that is exercising the powers authorized by section 18 of this 1973 amendatory act.

(5) "Bureau" means an alien bank's operation in this state exercising the powers authorized by section 23 of this 1973 amendatory act.

(6) "Supervisor" means the supervisor of banking of the state of Washington.

NEW SECTION. Sec. 3. An alien bank shall not establish and operate an office or bureau in this state unless it is authorized to do so by the supervisor and unless it first complies with all of the provisions of this chapter and then only to the extent expressly permitted by this chapter.

NEW SECTION. Sec. 4. An alien bank shall not be permitted to have more than one office in this state.

NEW SECTION. Sec. 5. An alien bank shall not take over or acquire an existing federal or state-chartered bank, trust company, mutual savings bank, savings and loan association, or credit union or any branch of any such bank, trust company, mutual savings bank, savings and loan association, or credit union in this state; nor shall any designee, officer, agent or employee of an alien bank serve on the board of directors of any federal or state bank, trust company, savings and loan association, or credit union, or the board of trustees of a mutual savings bank.

NEW SECTION. Sec. 6. An alien bank shall not hereafter open an office in this state until it has met the following conditions:

(1) It has filed with the supervisor an application in such

form and containing such information as shall be prescribed by the supervisor.

(2) It has designated the supervisor by a duly executed instrument in writing, its agent, upon whom process in any action or proceeding arising out of a transaction with the Washington office may be served. Such service shall have the same force and effect as if the alien bank were a Washington corporation and had been lawfully served with process within the state. The supervisor shall forward by mail, postage prepaid, a copy of every process served upon him under the provisions of this subdivision, addressed to the manager or agent of such bank at its office in this state.

(3) It has allocated and assigned to its office within this state paid-in capital of not less than two hundred thousand dollars or such larger amounts as the supervisor in his discretion may require.

(4) It has filed with the supervisor a letter from its chief executive officer guaranteeing that the alien bank's entire capital and surplus is and shall be available for all liabilities and obligations of its office doing business in this state.

(5) It has paid the fees required by law and established by the supervisor pursuant to RCW 30.08.095.

(6) It has received from the supervisor his certificate authorizing the transaction of business in conformity with this chapter.

NEW SECTION. Sec. 7. The capital allocated as required in section 6 (3) of this 1973 amendatory act shall be maintained within this state at all times in cash or in supervisor approved interest bearing bonds, notes, debentures, or other obligations of the United States or of any agency or instrumentality thereof, or guaranteed by the United States; or of this state, or of a city, county, town, or other municipal corporation, or instrumentality of this state or guaranteed by this state. Such capital shall be deposited with a bank qualified to do business in and having its principal place of business within this state. Such bank shall issue a written receipt addressed and delivered to the supervisor reciting that such deposit is being held for the sole benefit of the United States domiciled creditors of such alien bank's Washington office and that the same is subject to his order without offset for the payment of such creditors. For the purposes of this section, the term "creditor" shall not include any other offices, branches, subsidiaries, or affiliates of such alien bank. Subject to the approval of the supervisor, reasonable arrangements may be made for substitution of securities. So long as it shall continue business in this state in conformance with this chapter and shall remain solvent, such alien bank shall be permitted to collect all interest and/or income from

the assets constituting such allocated capital.

Should any securities so depreciate in market value and/or quality as to reduce the deposit below the amount required, additional money or securities shall be deposited promptly in amounts sufficient to meet such requirements. The supervisor may make an investigation of the market value and of the quality of any security deposited at the time such security is presented for deposit or at any time thereafter. The supervisor may make such charge as may be reasonable and proper for such investigation.

NEW SECTION. Sec. 8. Every alien bank maintaining an office in this state shall keep the assets of its Washington office entirely separate and apart from the assets of its other operations as though the Washington office was conducted as a separate and distinct entity. Every such alien bank shall keep separate books of account and records for its Washington office and shall observe with respect to such office the applicable requirements of this chapter and the applicable rules and regulations of the supervisor. The United States domiciled creditors of such alien bank's Washington office shall be entitled to priority with respect to the assets of its Washington office before such assets may be used or applied for the benefit of its other creditors or transferred to its general business.

NEW SECTION. Sec. 9. The supervisor may give or withhold his approval of an application by an alien bank to establish an office in this state at his discretion. His decision shall be based on the information submitted to his office in the application required by section 6 of this 1973 amendatory act and such additional investigation as the supervisor deems necessary or appropriate. Prior to granting approval to said application, he shall have ascertained to his satisfaction that all of the following are true:

(1) the proposed location offers a reasonable promise of adequate support for the proposed office;

(2) the proposed office is not being formed for other than legitimate objects;

(3) the proposed officers of the proposed office have sufficient banking experience and ability to afford reasonable promise of successful operation;

(4) the reputation and financial standing of the alien bank is such as to command the confidence and warrant belief that the business of the proposed office will be conducted honestly and efficiently in accordance with the intent and purpose of this chapter, as set forth in section 1 of this 1973 amendatory act;

(5) the principal purpose of establishing such office shall be within the intent of this chapter.

The supervisor shall not grant an application for an office of

an alien bank unless the law of the foreign country under which laws the alien bank is organized permits a bank with its principal place of business in this state to establish in that foreign country a branch, agency or similar operation.

NEW SECTION. Sec. 10. If the supervisor approves the application, he shall notify the alien bank of his approval and shall file certified copies of its charter, certificate or other authorization to do business with the secretary of state and with the recording officer of the county in which the office is to be located. Upon such filing, the supervisor shall issue a certificate of authority stating that the alien bank is authorized to conduct business through a branch or agency in this state at the place designated in accordance with this chapter. Each such certificate shall be conspicuously displayed at all times in the place of business specified therein.

The office of the alien bank must commence business within six months after the issuance of the supervisor's certificate: PROVIDED, That the supervisor for good cause shown may extend such period for an additional time not to exceed three months.

NEW SECTION. Sec. 11. An approved branch of an alien bank may carry on only the following types of activities:

(1) Deposits. (a) The branch may solicit, receive, or accept money or its equivalent on deposit as a regular business from the following customers:

(i) Corporations, partnerships, or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW.

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Any other person, if the deposit is to be transmitted abroad, or is to provide collateral or payments for extensions of credit by the branch, or represents proceeds of collections abroad which are to be used to pay for goods exported or imported or for other direct costs of export/import, or represents proceeds of the extension of credit by the branch;

(v) The government of the country in which the alien bank is incorporated;

(vi) Other banks;

(vii) Any other persons, provided that the aggregate of deposits from such persons shall not exceed twenty percent of the

aggregate of deposits accepted pursuant to this section.

(b) A branch may accept demand deposits, time deposits, and savings deposits from the customers specified in this section only upon the same terms and conditions (including nature and extent of such deposits, withdrawal, and the payment of interest thereon) that banks organized under the laws of this state and insured by the Federal Deposit Insurance Corporation may accept such deposits. Such deposits shall be subject to RCW 30.20.010 through 30.20.035, as now or hereafter amended. The branch shall maintain reserves or minimum available funds in this state for such deposits to the same extent that reserves or minimum available funds must be maintained by banks organized under the laws of this state.

(2) Loans. A branch shall have the power to make loans and guarantee obligations subject to the following limitations:

(a) Customers. Loans or guarantees shall be restricted to the following types of customers:

(i) Corporations, partnerships or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW;

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Persons engaged in the international movement of goods and services.

(b) Purpose. Loans and guarantees may be made only for the following purposes:

(i) With respect to customers specified in subsection (2) (a) (i), (ii), and (iii) of this section, for the financing of the international movement of goods and services and for all operational needs including working capital and short-term operating needs and for the acquisition of fixed assets.

(ii) With respect to customers specified in subsection (2) (a) (iv) of this section, for the financing of the international movement of goods and services, and construction of facilities located and operations conducted outside of this state.

(iii) Nothing herein shall permit a branch to make consumer loans to individuals.

(c) Amount. A branch shall be subject to the same loan limitations that apply to banks organized under the laws of this state; however, the base for computing the applicable loan limitation shall be the entire capital and surplus of the alien bank.

(3) Other activities. A branch of an alien bank in this state shall have the power to carry out these other activities:

(a) Borrow funds from banks and other financial institutions;

(b) Buy and sell foreign exchange;

(c) Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other securities for collection abroad and collect such instruments in the United States for customers abroad;

(d) Hold securities in safekeeping for, or buy and sell securities upon the order and for the risk of, customers abroad;

(e) Act as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States, or any state or the District of Columbia to do business in the United States;

(f) In order to prevent loss on debts previously contracted a branch may acquire shares in a corporation: PROVIDED, That the shares are disposed of as soon as practical but in no event later than two years from the date of acquisition;

(g) Issue letters of credit and create acceptances;

(h) In addition to the powers and activities expressly authorized by this section, a branch shall have the power to carry on such additional activities which are necessarily incidental to the activities expressly authorized by this section.

NEW SECTION. Sec. 12. A branch shall not commence to transact in this state the business of accepting deposits or transact such business thereafter unless it has met the following requirements:

(1) It has obtained federal deposit insurance corporation insurance covering its eligible deposit liabilities within this state, or in lieu thereof, made arrangements satisfactory to the supervisor for maintenance within this state of additional capital equal to not less than ten percent of its deposit liabilities. Such additional capital shall be deposited in the manner provided in section 7 of this 1973 amendatory act.

(2) It holds in this state currency, bonds, notes, debentures, drafts, bills of exchange, or other evidences of indebtedness or other obligations payable in the United States or in United States' funds or, with the approval of the supervisor, in funds freely convertible into United States' funds, in an amount not less than one hundred eight percent of the aggregate amount of liabilities of such alien bank payable at or through its office in this state. When calculating the value of the assets so held, credit shall be given for the amounts deposited pursuant to sections 6(3) and 12(1) of this 1973 amendatory act.

If deposits are not insured by the federal deposit insurance corporation, then that fact shall be disclosed to all depositors

pursuant to rules and regulations of the supervisor.

NEW SECTION. Sec. 13. The supervisor may take possession of the office of an alien bank for the reasons stated and in the manner provided in chapter 30.44 RCW. Upon the supervisor taking such possession of a branch, no deposit liabilities of which are insured by the federal deposit insurance corporation, the amounts deposited pursuant to section 12(1) of this 1973 amendatory act shall thereupon become the property of the supervisor, free and clear of any and all liens and other claims, and shall be held by him in trust for the United States domiciled depositors of the office in this state of such alien bank. Upon obtaining the approval of the superior court of Thurston county, the supervisor shall reduce such deposited capital to cash and as soon as practicable distribute it to such depositors.

If sufficient cash is available, such distribution shall be in equal amounts to each such depositor: PROVIDED, That no such depositor receives more than the amount of his deposit or an amount equal to the maximum amount insured by the federal deposit insurance corporation, whichever is less. If sufficient cash is not available, such distribution shall be on a pro rata basis to each such depositor: PROVIDED, That no such depositor receives more than the maximum amount insured by the federal deposit insurance corporation. If any cash remains after such distribution, it shall be distributed pro rata to those depositors whose deposits have not been paid in full: PROVIDED, That no depositor receives more than the amount of his deposit. For purposes of this section, the term "depositor" shall not include any other offices, subsidiaries or affiliates of such alien bank.

The term "deposit" as used in this section shall mean the unpaid balance of money or its equivalent received or held by the branch in the usual course of its business and for which it has given or is obligated to give credit, either conditionally or unconditionally to a demand, time or savings account, or which is evidenced by its certificate of deposit, or a check or draft drawn against a deposit account and certified by the branch, or a letter of credit or traveler's checks on which the branch is primarily liable.

Claims of depositors and creditors shall be made and disposed of in the manner provided in chapter 30.44 RCW in the event of insolvency or inability of the bank to pay its creditors in this state. The capital deposit of the bank shall be available for claims of depositors and creditors. The claims of depositors and creditors shall be paid from the capital deposit in the following order or priority:

(1) Claims of depositors not paid from the amounts deposited pursuant to section 12 (1) of this 1973 amendatory act;

- (2) Claims of Washington domiciled creditors;
- (3) Other creditors domiciled in the United States; and
- (4) Creditors domiciled in foreign countries.

The supervisor shall proceed in accordance with and have all the powers granted by chapter 30.44 RCW.

NEW SECTION. Sec. 14. (1) Within ninety days after the end of each fiscal year, an accountant, approved by the supervisor, shall examine the books of account of the office of an alien bank and report to the supervisor his opinion of the financial condition of the office as of the last business day of the immediately previous fiscal year. In making such examination, the accountant shall follow the rules and regulations promulgated by the supervisor governing such examination.

(2) The supervisor, deputy supervisor or a bank examiner, without previous notice, shall visit the office of an alien bank doing business in this state pursuant to this chapter at least once in each year and more often if necessary, for the purpose of making a full investigation into the condition of such office, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director or member of its governing body, officer, employee or agent of such alien bank or office. The supervisor shall make such other full or partial examination as he deems necessary. The supervisor shall collect from each alien bank for each examination of the conditions of its office in this state, the estimated actual cost of such examination.

NEW SECTION. Sec. 15. Loans made by an office shall be subject to the laws of the state of Washington relating to usury.

NEW SECTION. Sec. 16. An alien bank may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: PROVIDED, That not to exceed thirty percent of its capital and surplus and undivided profits may be so invested without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate except that specified in subsection (1) of this section may be carried as an asset on the corporation's books for a longer period than five years from the date title is acquired

thereto, unless an extension of time be granted by the supervisor.

NEW SECTION. Sec. 17. (1) An alien bank that advertises the services of its branch in the state of Washington shall indicate on all advertising materials whether or not deposits placed with its branch are insured by the federal deposit insurance corporation.

(2) A branch shall not make gifts to a new deposit customer of a greater value than five dollars in total. The value of the gifts shall be the cost to the branch of acquiring said gift.

NEW SECTION. Sec. 18. An approved agency of an alien bank may engage in the business of making loans and guaranteeing obligations for the financing of the international movement of goods and services and for all operational needs including working capital and short-term operating needs and for the acquisition of fixed assets. Other than such activities, such agency may engage only in the following activities:

(1) Borrow funds from banks and other financial institutions;

(2) Buy and sell foreign exchange;

(3) Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other securities for collection abroad and collect such instruments in the United States for customers abroad;

(4) Hold securities in safekeeping for, or buy and sell securities upon the order and for the risk of, customers abroad;

(5) Act as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States, or any state or the District of Columbia to do business in the United States;

(6) In order to prevent loss on debts previously contracted, an agency may acquire shares in a corporation: PROVIDED, That the shares are disposed of as soon as practical, but in no event later than two years from the date of acquisition;

(7) Issue letters of credit and create acceptances;

(8) In addition to the powers and activities expressly authorized by this section, an agency shall have the power to carry on such additional activities which are necessarily incidental to the activities expressly authorized by this section.

NEW SECTION. Sec. 19. All officers and employees of an office shall be subject to the same bonding requirements as are officers and employees of banks incorporated under the laws of this state.

NEW SECTION. Sec. 20. The books and accounts of an office and a bureau shall be kept in words and figures of the English language.

NEW SECTION. Sec. 21. (1) Application procedure. An alien bank shall not establish and operate a bureau in this state unless it is authorized to do so and unless it has met the following

conditions:

(a) It has filed with the supervisor an application in such form and containing such information as shall be prescribed by the supervisor;

(b) It has paid the fee required by law and established by the supervisor pursuant to RCW 30.08.095;

(c) It has received from the supervisor his certificate authorizing the applicant bank to establish and operate a bureau in conformity herewith.

(2) Upon receipt of the bank's application, and the conducting of such examination or investigation as the supervisor deems necessary and appropriate and being satisfied that the opening of such bureau will be consistent with the purposes of this chapter, the supervisor may grant approval for the bureau and issue his certificate authorizing the alien bank to establish and operate a bureau in the state of Washington.

NEW SECTION. Sec. 22. If the supervisor approves the application, he shall notify the alien bank of his approval and shall file certified copies of its charter, certificate, or other authorization to do business with the secretary of state and with the recording officer of the county in which the bureau is to be located. Upon such filing, the supervisor shall issue a certificate of authority stating that the alien bank is authorized to operate a bureau in this state at the place designated in accordance with this chapter. No such certificate shall be transferable or assignable. Such certificate shall be conspicuously displayed at all times in the place of business specified therein.

A bureau of an alien bank must commence business within six months after the issuance of the supervisor's certificate: PROVIDED, That the supervisor for good cause shown may extend such period for an additional time not to exceed three months.

NEW SECTION. Sec. 23. An alien bank may have as many bureaus in this state as the supervisor will authorize. A bureau in this state may provide information about services offered by the alien bank, its subsidiaries and affiliates and may gather and provide business and economic information. A bureau may not take deposits, make loans or transact other commercial or banking business in this state.

NEW SECTION. Sec. 24. The supervisor is empowered to examine the bureau operations of an alien bank whenever he deems it necessary. The supervisor shall collect from such alien bank the estimated actual cost of such examination.

NEW SECTION. Sec. 25. An alien bank may operate temporary facilities at trade fairs or other commercial events of short duration without first obtaining the approval of the supervisor:

PROVIDED, That the activities of such temporary facility are limited solely to the dissemination of information: AND PROVIDED FURTHER, If an alien bank engages in such activity, it shall notify the supervisor in writing prior to opening of the nature and location of such facility. The supervisor is empowered to investigate the operation of such temporary facility if he deems it necessary, and to collect from the alien bank the estimated actual cost thereof.

NEW SECTION. Sec. 26. (1) An office of an alien bank shall file the following reports with the supervisor within such times and in such form as the supervisor shall prescribe by rule or regulation:

- (a) A statement of condition of the office;
- (b) A capital position report of the office;
- (c) A consolidated statement of condition of an alien bank.

(2) An office of an alien bank shall publish such reports as the supervisor by regulation may prescribe.

(3) An alien bank operating a bureau in this state shall file a copy of the alien bank's annual financial report with the supervisor as soon as possible following the end of each fiscal year and shall file such other material as the supervisor may prescribe by rule or regulation.

NEW SECTION. Sec. 27. An office of an alien bank shall be taxed on the same basis as are banks incorporated under the laws of this state.

NEW SECTION. Sec. 28. The directors or other governing body of an alien bank and the officers and employees of its office in this state shall be subject to all of the duties, responsibilities and restrictions to which the directors, officers and employees of a bank organized under the laws of this state are subject insofar as such duties, responsibilities and restrictions are not inconsistent with the intent of this chapter. An officer or employee of the office of an alien bank doing business in this state pursuant to this chapter may be removed for the reasons stated and in the manner provided in RCW 30.12.040, as now or hereafter amended.

NEW SECTION. Sec. 29. (1) The supervisor shall have the responsibility for assuring compliance with the provisions of this chapter. An alien bank that conducts business in this state in violation of any provisions of this chapter shall be guilty of a misdemeanor and in addition thereto shall be liable in the sum of one hundred dollars per day that each such offense continues, such sum to be recovered by the attorney general in a civil action in the name of the state.

(2) Every person who shall knowingly subscribe to or make or cause to be made any false entry in the books of any alien bank office or bureau doing business in this state pursuant to this chapter or shall knowingly subscribe to or exhibit any false or

fictitious paper or security, instrument or paper, with the intent to deceive any person authorized to examine into the affairs of any such office or bureau or shall make, state or publish any false statement of the amount of the assets or liabilities of any such office or bureau shall be guilty of a felony.

(3) Every director or member of the governing body, officer, employee or agent of such alien bank operating an office or bureau in this state who conceals or destroys any fact or otherwise suppresses any evidence relating to a violation of this chapter is guilty of a felony.

(4) Any person who transacts business in this state on behalf of an alien bank which is subject to the provisions of this chapter, but which is not authorized to transact such business pursuant to this chapter is guilty of a misdemeanor and in addition thereto shall be liable in the sum of one hundred dollars per day for each day that such offense continues, such sum to be recovered by the attorney general in a civil action in the name of the state.

NEW SECTION. Sec. 30. If the supervisor finds that any alien bank to which he has issued a certificate to operate an office or bureau in this state pursuant to this chapter has violated any law, rule or regulation, or has conducted its affairs in an unauthorized manner, or has been unresponsive to the supervisor's lawful orders or directions, or is in an unsound or unsafe condition, or cannot with safety and expediency continue business, or if he finds that the alien bank's country is unjustifiably refusing to allow banks qualified to do business in and having their principal office within this state to operate offices or similar operations in such country, the supervisor may suspend or revoke the certificate of such alien bank and notify it of such suspension or revocation.

NEW SECTION. Sec. 31. An alien bank licensed to maintain an office or bureau in this state pursuant to this chapter may apply to the supervisor for leave to change the location of its office or bureau. Such applications shall be accompanied by an investigation fee as established in accordance with section 33 of this 1973 amendatory act. Leave for a change of location shall be granted if the supervisor finds that the proposed new location offers reasonable promise of adequate support for the office.

NEW SECTION. Sec. 32. The supervisor shall have power to adopt uniform rules and regulations to govern examination and reports of alien bank offices and bureaus doing business in this state pursuant to this chapter and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts and otherwise to govern the administration of this chapter.

NEW SECTION. Sec. 33. The supervisor shall collect in

advance from an alien bank for filing its application for an office or a bureau and the attendant investigation, and for such other applications, approvals or certificates provided herein, such fee as shall be established by rules and regulations promulgated pursuant to the administrative procedure act, chapter 34.04 RCW, as now or hereafter amended. The alien bank shall also pay to the secretary of state and the county recording officer for filing instruments as required by this chapter the same fees as are charged general corporations for the filing of similar instruments and also the same license fees as are required of foreign corporations doing business in this state.

NEW SECTION. Sec. 34. (1) Any branch of an alien bank that is conducting business in this state on the effective date of this 1973 amendatory act pursuant to RCW 30.04.300 shall not be subject to the provisions of this chapter, and shall continue to conduct its business pursuant to RCW 30.04.300.

(2) Except as provided in subsection (1) of this section, any alien bank that is conducting business in this state on the effective date of this 1973 amendatory act shall be subject to the provisions of this chapter: PROVIDED, That any such alien bank which has operated an agency or similar operation in this state for at least the five years immediately preceding such effective date shall not be denied a certificate to operate an agency.

Sec. 35. Section 30.40.020, chapter 33, Laws of 1955 as amended by section 6, chapter 136, Laws of 1969 and RCW 30.40.020 are each amended to read as follows:

A bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches in any city or town within the state. A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located. A bank having a paid-in capital of not less than one million dollars may, with the approval of the supervisor, establish and operate branches in any foreign country. The supervisor's approval of a branch within this state shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title. The supervisor's approval of a branch in a foreign country shall be conditioned on a finding that the proposed location offers a reasonable promise of adequate support for the proposed branch, that the proposed branch is not being formed for other than the legitimate

objects covered by this title, and that the principal purpose for establishing such branch is to aid in financing or facilitating exports and/or imports and the exchange of commodities with any foreign country or the agencies or nationals thereof.

The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located.

No bank or trust company shall establish or operate any branch, except a branch in a foreign country, in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town.

Sec. 36. Section 30.04.290, chapter 33, Laws of 1955 as amended by section 1, chapter 20, Laws of 1961 and RCW 30.04.290 are each amended to read as follows:

A foreign corporation, whose name contains the words "bank," "banker," "banking," or "trust," or whose articles of incorporation empower it to do a banking or trust business and which desires to engage in the business of loaning money on mortgage securities or in buying and selling exchange, coin, bullion or securities in this state may do so, but only upon filing with the supervisor and with the secretary of state a certified copy of a resolution of its governing board to the effect that it will not engage in banking or trust business in this state, which copy shall be duly attested by its president and secretary. Such corporation shall also comply with the general corporation laws of this state relating to foreign corporations doing business herein. Nothing herein shall prevent operations by an alien bank in this state in conformance with this 1973 amendatory act; nor after the effective date of this 1973 amendatory act authorize the transaction of business in this state by an alien bank in any manner except in accordance with the provisions of this 1973 amendatory act.

NEW SECTION. Sec. 37. There is added to Title 30 RCW a new chapter to read as set forth in sections 1 through 34 of this 1973 amendatory act.

NEW SECTION. Sec. 38. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1973 amendatory act, or the application of the provisions to other persons or circumstances shall

not be affected.

Passed the House March 28, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 54
[House Bill No. 438]
FEDERAL DEPOSIT INSURANCE CORPORATION--
BANK RECEIVERSHIP AUTHORITY

AN ACT Relating to financial institutions; adding new sections to chapter 30.44 RCW; and adding new sections to chapter 32.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 30.44 RCW a new section to read as follows:

The federal deposit insurance corporation is hereby authorized and empowered to be and act without bond as receiver or liquidator of any bank or trust company the deposits in which are to any extent insured by that corporation and which shall have been closed on account of inability to meet the demands of its depositors. In the event of such closing, the supervisor of banking may appoint the federal deposit insurance corporation as receiver or liquidator of such bank or trust company. If the corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a bank or trust company, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of the federal deposit insurance act, as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 30.44 RCW a new section to read as follows:

The pendency of any proceedings for judicial review of the supervisor's actions in taking possession and control of a bank or trust company and its assets for the purpose of liquidation shall not operate to defer, delay, impede, or prevent the payment or acquisition by the federal deposit insurance corporation of the deposit liabilities of the bank or trust company which are insured by the corporation. During the pendency of any proceedings for judicial

review, the supervisor of banking shall make available to the federal deposit insurance corporation such facilities in or of the bank or trust company and such books, records, and other relevant data of the bank or trust company as may be necessary or appropriate to enable the corporation to pay out or to acquire the insured deposit liabilities of the bank or trust company. The federal deposit insurance corporation and its directors, officers, agents, and employees, the supervisor of banking, and his agents and employees shall be free from liability to the bank or trust company, its directors, stockholders, and creditors for or on account of any action taken in connection herewith.

NEW SECTION. Sec. 3. There is added to chapter 32.24 RCW a new section to read as follows:

The federal deposit insurance corporation is hereby authorized and empowered to be and act without bond as receiver or liquidator of any mutual savings bank the deposits in which are to any extent insured by that corporation and which shall have been closed on account of inability to meet the demands of its depositors. In the event of such closing, the supervisor of banking may appoint the federal deposit insurance corporation as receiver or liquidator of such mutual savings bank. If the corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a mutual savings bank, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of the federal deposit insurance act, as now or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 32.24 RCW a new section to read as follows:

The pendency of any proceedings for judicial review of the supervisor's actions in taking possession and control of a mutual savings bank and its assets for the purpose of liquidation shall not operate to defer, delay, impede, or prevent the payment or acquisition by the federal deposit insurance corporation of the deposit liabilities of the mutual savings bank which are insured by the corporation. During the pendency of any proceedings for judicial review, the supervisor of banking shall make available to the federal deposit insurance corporation such facilities in or of the mutual savings bank and such books, records, and other relevant data of the mutual savings bank as may be necessary or appropriate to enable the corporation to pay out or to acquire the insured deposit liabilities of the mutual savings bank. The federal deposit insurance corporation and its directors, officers, agents, and employees, the supervisor of banking, and his agents and employees shall be free from liability to the mutual savings bank, its directors,

stockholders, and creditors for or on account of any action taken in connection herewith.

Passed the House March 16, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 55

[House Bill No. 463]

PORT DISTRICTS--POWERS

AN ACT Relating to port districts; and amending section 2, chapter 24, Laws of 1947 and RCW 53.08.160.

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

Section 1. Section 2, chapter 24, Laws of 1947 and RCW 53.08.160 are each amended to read as follows:

All port districts organized under the provisions of this act shall be, and they are hereby, authorized and empowered to initiate and carry on the necessary studies, investigations and surveys required for the proper development, improvement and utilization of all port properties, utilities and facilities, and for industrial development within the district when such agricultural and industrial development is carried out by a public agency, institution, or body for a public purpose, and to assemble and analyze the data thus obtained and to cooperate with the state of Washington, other port districts and other operators of terminal and transportation facilities for ((this) these purposes, and to make such expenditures as are necessary for said purposes, and for the proper promotion, advertising, improvement and development of such port properties, utilities and facilities: PROVIDED HOWEVER, That nothing in this section shall authorize a port district to develop its properties as an agricultural or dairy farm.

Passed the House March 27, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 56

[House Bill No. 481]

WATER DISTRICTS--PROPERTY DISPOSITION AUTHORITY--
PUBLIC UTILITY DISTRICTS

AN ACT Relating to special districts; and adding a new chapter to Title 57 RCW.

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

NEW SECTION. Section 1. Subject to the provisions of sections 2 and 3 of this act, any water district created under the provisions of this title may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to a public utility district in the same county on such terms as may be mutually agreed upon by the commissioners of each district.

NEW SECTION. Sec. 2. No water district shall dispose of its property to a public utility district unless the respective commissioners of each district shall determine by resolution that such disposition is in the public interest and conducive to the public health, welfare and convenience. Copies of each resolution together with copies of the proposed disposition agreement shall be filed with the legislative authority of the county in which the water district is located, and with the superior court of that county. Unless the proposed agreement provides otherwise, any outstanding indebtedness of any form, owed by the water district, shall remain the obligation of the area of the water district and the public utility district commissioners shall be empowered to make such levies, assessments or charges upon that area or the water users therein as shall pay off the indebtedness at maturity.

NEW SECTION. Sec. 3. Within ninety days after the resolutions and proposed agreement have been filed with the court, the court shall fix a date for a hearing and shall direct that notice of the hearing be given by publication. After reviewing the proposed agreement and considering other evidence presented at the hearing, the court may determine by decree that the proposed disposition is in the public interest and conducive to the public health, welfare and convenience. In addition, the decree shall authorize the payment of all or a portion of the indebtedness of the water district relating to property disposed of under such decree. Pursuant to the court decree, the water district shall dispose of its property under the terms of the disposition agreement with the public utility district.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall

constitute a new chapter in Title 57 RCW.

Passed the House March 17, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 57
[House Bill No. 492]
REAL ESTATE COMMISSION--COURSE
CERTIFICATION AUTHORITY

AN ACT Relating to real estate and brokers and salesmen thereof; and amending section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.010.

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

Section 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests including leases and/or options therein, and for business opportunities or interest therein, belonging to others, or sale of any interest in any formal or informal association in which the purchaser acquires use of real property unless the offering is registered with the state of Washington, or holds himself out to the public as being so engaged;

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours(~~(7) The director,~~ with the approval of), and the real estate commission(~~(7)~~) may certify courses of instruction other than in the aforementioned institutions(~~(7) if a finding of necessity to provide the required education is made by the director and commission. Such approval shall be only for the period of time determined to be necessary)~~).

Passed the House March 16, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 58

[House Bill No. 576]

FREE FISHING LICENSES--

BLIND PERSONS--

AN ACT Relating to fishing licenses for blind persons; and amending section 77.32.230, chapter 36, Laws of 1955 as last amended by section 2, chapter 94, Laws of 1961 and RCW 77.32.230.

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

Section 1. Section 77.32.230, chapter 36, Laws of 1955 as last amended by section 2, chapter 94, Laws of 1961 and RCW 77.32.230 are each amended to read as follows:

Any bona fide resident of this state (~~who is blind or~~) who is a veteran of the Spanish-American War, or any person sixty-five or more years of age who is an honorably discharged veteran of the United States military or naval forces having a service-connected

disability and who has been a resident of this state for five years, upon the making of an affidavit to such effect, shall be given a state hunting and fishing license free of charge upon application therefor; PROVIDED, That the applicant pays the statutory agent's fee for such license.

((A special license authorizing fishing only shall be given to the blind.)) Any person who is blind shall be issued a fishing license free of charge except for the statutory agent's fee. Such license shall be renewable annually under the same conditions. Any separate tags or punch cards which may be required by law shall not be deemed to be included with the free fishing license and must be purchased separately by any person receiving a license pursuant to this section.

Passed the House March 9, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 59

[House Bill No. 595]

GENERAL FUND--CERTAIN

FUNDS ABOLISHED

AN ACT Relating to state government; amending section 2, chapter 281, Laws of 1959 and RCW 1.20.071; amending section 2, chapter 331, Laws of 1959 and RCW 13.07.020; adding new sections to chapter 43.79 RCW; repealing section 2, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.080; repealing section 3, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.090; repealing section 1, chapter 10, Laws of 1965 ex. sess. and RCW 72.19.091; declaring an emergency; and making an effective date.

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

Section 1. Section 2, chapter 281, Laws of 1959 and RCW 1.20.071 are each amended to read as follows:

All proceeds from the sale of the official song of the state as designated in RCW 1.20.070 shall be placed in ((a special account of)) the general fund ((to be used by the department of commerce and economic development for advertising the state of Washington and promoting the official song of the state)).

Sec. 2. Section 2, chapter 331, Laws of 1959 and RCW

13.07.020 are each amended to read as follows:

There is hereby established a program of state aid for county probation services which shall be administered by the (~~director of the~~) department of (~~institutions~~) social and health services. (~~Any funds appropriated; or otherwise made available; to carry out the provisions of this chapter shall be deposited in the state general fund to the credit of an account to be known as the "probation services account"~~). Funds appropriated or otherwise made available (~~to such account~~) shall be disbursed (~~therefrom~~) by the (~~director~~) department in accordance with the provisions of this chapter.

NEW SECTION. Sec. 3. There is added to chapter 43.79 RCW a new section to read as follows:

All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;
- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;
- (5) Juvenile correction institution building construction fund moneys.

NEW SECTION. Sec. 4. There is added to chapter 43.79 RCW a new section to read as follows:

From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of section 3 of this 1973 amendatory act are abolished.

NEW SECTION. Sec. 5. There is added to chapter 43.79 RCW a new section to read as follows:

From and after the first day of July, 1973, all warrants drawn on any fund abolished by section 4 of this 1973 amendatory act and not theretofore presented for payment, shall be paid from the basic state general fund.

NEW SECTION. Sec. 6. The following acts or parts or acts are each repealed:

- (1) Section 2, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.080;
- (2) Section 3, chapter 27, Laws of 1963 ex. sess. and RCW 72.19.090; and
- (3) Section 1, chapter 10, Laws of 1965 ex. sess. and RCW 72.19.091.

NEW SECTION. Sec. 7. This 1973 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 July 1, 1973.

Passed the House March 19, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 60

[House Bill No. 604]

REAL ESTATE BROKERS AND SALESMEN--MOBILE HOME

SALES AUTHORIZED

AN ACT Relating to real estate brokers and salesmen; and adding a new section to chapter 18.85 RCW.

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

NEW SECTION. Section 1. There is added to chapter 18.85 RCW a new section to read as follows:

(1) Any person licensed under the provisions of this chapter may sell a used mobile home as defined in RCW 84.36.370 without obtaining a license required by chapter 46.70 RCW: PROVIDED, That the mobile home is no longer subject to chapter 46.12 RCW and the title has been turned in to the department of motor vehicles with a written statement from the county assessor of the county in which the mobile home is located, that said mobile home is no longer personal property and has been assessed as real property for a period of at least one year: AND PROVIDED FURTHER, That the mobile home is sold in one transaction with the land on which it rests.

(2) In order to carry out the provisions of this section, the director of the department of motor vehicles shall prescribe by rule or regulation methods and procedures to assure compliance with the requirements of Title 46 RCW pertaining to mobile homes, collection of taxes, and transaction documentation.

Passed the House April 13, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 61

[House Bill No. 617]

COUNTY AUDITOR--ABSENTEE BALLOT

APPLICATIONS--PUBLIC LIST

AN ACT Relating to absentee ballot lists; and adding a new section to

chapter 9, Laws of 1965 and to chapter 29.36 RCW.

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

NEW SECTION. Section 1. There is added to chapter 9, Laws of 1965 and to chapter 29.36 RCW a new section to read as follows:

Each county auditor shall maintain in his office, open for public inspection, lists of the applications he has received for absentee ballots under the provisions of this chapter and of chapter 29.39 RCW.

Such applications shall be listed no later than twenty-four hours after their receipt and the lists thereof shall be available until the day of the election for which the absentee ballot application was made.

The lists shall be organized first according to the date of application, then by legislative district, if appropriate, and then by precinct. They shall also indicate the name of each applicant and the address to which the ballot is to be mailed.

The auditor shall make copies of such lists available to the public for the actual cost of copying such list.

Passed the House March 24, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 62

[House Bill No. 621]

PUBLIC CONSTRUCTION CONTRACTS--ENVIRONMENTAL
PROTECTION REQUIREMENTS--DELAYS

AN ACT Relating to public contracts; adding new sections to Title 39 RCW; adding new sections to chapter 60.28 RCW; setting an effective date and declaring an emergency.

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

NEW SECTION. Section 1. There is added to Title 39 RCW a new section to read as follows:

All invitations for bid proposals for public construction projects issued by the state of Washington, its authorities or agencies, or any political subdivision of the state, shall set forth in the contract documents to the extent they are reasonably obtainable by the public awarding authority those provisions of federal, state and local statutes, ordinances and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect or are affected by the projects. If the successful bidder must undertake additional work

due to the enactment of new or the amendment of existing statutes, ordinances, rules or regulations occurring after the submission of the successful bid, the awarding agency shall issue a change order setting forth the additional work that must be undertaken, which shall not invalidate the contract. The cost of such a change order to the awarding agency shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the awarding agency shall be the contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, and subcontracts attributable to the additional activity plus a reasonable sum for overhead and profit: PROVIDED, That such additional costs to undertake work not specified in the contract documents shall not be approved unless written authorization is given the successful bidder prior to his undertaking such additional activity. In the event of a dispute between the awarding agency and the successful bidder, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, the then obtaining rules of the American arbitration association.

NEW SECTION. Sec. 2. There is added to Title 39 RCW a new section to read as follows:

Section 1 shall take effect in ninety days but shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract.

NEW SECTION. Sec. 3. There is added to chapter 60.28 RCW a new section to read as follows:

(1) If any delay in issuance of notice to proceed or in construction following an award of any public construction contract is primarily caused by acts or omissions of persons or agencies other than the contractor and a preliminary, special or permanent restraining order of a court of competent jurisdiction is issued pursuant to litigation and the appropriate public contracting body does not elect to delete the completion of the contract or order funds reserved paid to the contractor as provided by RCW 60.28.010(3) and 60.28.070 respectively, the appropriate contracting body will issue a change order or force account directive to cover reasonable costs incurred by the contractor as a result of such delay. These costs shall include but not be limited to contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, bonds, professional fees, and subcontracts, attributable to such delay plus a reasonable sum for overhead and profit.

In the event of a dispute between the contracting body and the

contractor, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, under the then obtaining rules of the American Arbitration Association.

If the delay caused by litigation exceeds six months, the contractor may then elect to terminate the contract and to delete the completion of the contract and receive payment in proportion to the amount of the work completed plus the cost of the delay. Amounts retained and accumulated under RCW 60.28.010 shall be held for a period of thirty days following the election of the contractor to terminate. Election not to terminate the contract by the contractor shall not affect the accumulation of costs incurred as a result of the delay provided above.

(2) This section shall not apply to any contract awarded pursuant to an invitation for bid issued on or before the effective date of this act.

NEW SECTION. Sec. 4. If any provision or part of this 1973 act shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of any provision or part of this 1973 act not adjudged invalid or unconstitutional.

Passed the House April 14, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 63

[House Bill No. 628]

FISH CATCH FEES--FISH

FARMS EXEMPT

AN ACT Relating to food fish and shellfish; and amending section 75.32.070, chapter 12, Laws of 1955 as amended by section 2, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.070.

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

Section 1. Section 75.32.070, chapter 12, Laws of 1955 as amended by section 2, chapter 10, Laws of 1963 ex. sess. and RCW 75.32.070 are each amended to read as follows:

A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to two percent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one percent of the primary market value of all other species of food fish and shellfish, or parts thereof:

PROVIDED, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms or by those taking food fish or shellfish, or parts thereof, from fish farms licensed pursuant to RCW 75.16.110: PROVIDED FURTHER, That it is not the intent of the state of Washington to collect privilege fees or catch fees on fish and shellfish previously landed from the Columbia River district in Oregon, on which privilege fees have already been paid, and which are transshipped to this state. An official certification of payment of Oregon privilege fees must be furnished the Washington department of fisheries in these instances.

Passed the House March 9, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 64
[House Bill No. 685]
FIRE PROTECTION DISTRICTS--PUBLIC
PROPERTY--MANDATORY SERVICE CONTRACTS

AN ACT Relating to fire protection districts; amending section 1, chapter 139, Laws of 1941 and RCW 52.36.020; and prescribing an effective date.

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

Section 1. Section 1, chapter 139, Laws of 1941 and RCW 52.36.020 are each amended to read as follows:

Wherever a fire protection district has been organized which includes within its area or is adjacent to, ((state owned property)) buildings and equipment, except those leased to a nontax exempt person or organization, ((the director of finance, budget and business* is authorized to arrange for and to make contributions to such district; by payment to the county treasurer, of the county in which the district is located; such sum or sums as in his discretion may be equitable for the fire protection received by the state but in no event to exceed the amount such district would receive in revenue should such state property be on the tax rolls of such district)) owned by the legislative or administrative authority of a state agency or institution or a municipal corporation, the agency or institution or municipal corporation involved shall contract with such district for fire protection services necessary for the protection and safety of personnel and property pursuant to the provisions of chapter 39.34 RCW, as now or hereafter amended: PROVIDED, That nothing in this section shall be construed to require

that any state agency, institution, or municipal corporation contract for services which are performed by the staff and equipment of such state agency, institution, or municipal corporation: PROVIDED FURTHER, That nothing in this section shall apply to state agencies or institutions or municipal corporations which are receiving fire protection services by contract from another municipality, city, town or other entities.

NEW SECTION. Sec. 2. This 1973 amendatory act shall take effect on July 1, 1974.

Passed the House March 27, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 65

[House Bill No. 705]

HEALTH CARE SERVICE CONTRACTS--REQUISITES--
REGISTRATION--REJECTIONS

AN ACT Relating to health care service contractors; amending section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 115, Laws of 1969 and RCW 48.44.020; amending section 13, chapter 197, Laws of 1961 as amended by section 3, chapter 115, Laws of 1969 and RCW 48.44.160; amending section 9, chapter 115, Laws of 1969 and RCW 48.44.162; adding a new section to chapter 268, Laws of 1947 and to chapter 48.44 RCW; and prescribing penalties.

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

Section 1. Section 2, chapter 268, Laws of 1947 as last amended by section 1, chapter 115, Laws of 1969 and RCW 48.44.020 are each amended to read as follows:

(1) Any health care service contractor may enter into agreements with or for the benefit of persons or groups of persons which require prepayment for health care services by or for such persons in consideration of such health care service contractor providing one or more health care services to such persons and such activity shall not be subject to the laws relating to insurance if the health care services are rendered by the health care service contractor or by a participant.

(2) The commissioner may require the submission of contract forms for his examination and may on examination, subject to the right of the health care service contractor to demand and receive a hearing under chapters 48.04 and 34.04 RCW, disapprove any contract

form for any of the following grounds:

(a) If it contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the risk purported to be assumed in the general coverage of the contract; or

(b) If it has any title, heading or other indication of its provisions which is misleading; or

(c) If purchase of health care services thereunder is being solicited by deceptive advertising; or

(d) If, the benefits provided therein are unreasonable in relation to the amount charged for the contract; ~~((or))~~

(e) If it contains unreasonable restrictions on the treatment of patients; or

(f) If it fails to conform to minimum provisions or standards required by regulation made by the commissioner pursuant to chapter 34.04 RCW.

Sec. 2. Section 13, chapter 197, Laws of 1961 as amended by section 3, chapter 115, Laws of 1969 and RCW 48.44.16C are each amended to read as follows:

The insurance commissioner may, after notice and hearing, pursuant to chapters 48.04 and 34.04 RCW, revoke, suspend, or refuse to accept or renew registration from any health care service contractor, or he may issue a cease and desist order, or bring an action in any court of competent jurisdiction to enjoin a health care service contractor from doing further business in this state, if such health care service contractor:

(1) Fails to comply with any provision of chapter 48.44 RCW ~~((after written notice by the commissioner of such failure to comply and expiration of a reasonable period for compliance as specified in such notice))~~ or any proper order or regulation of the commissioner.

(2) Is found by the commissioner to be in such financial condition that its further transaction of business in this state would jeopardize the payment of claims and refunds to subscribers.

(3) Has refused to remove or discharge a director or officer who has been convicted of any crime involving fraud, dishonesty, or like moral turpitude, after written request by the commissioner for such removal, and expiration of a reasonable time therefor as specified in such request.

(4) Usually compels claimants under contracts 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 health care contractor which operates in this state without having registered therefor, except as is permitted by this chapter.

(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 contract, 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 health care contracting or related managerial experience as to make the operation hazardous to the subscribing public; or that there is good reason to believe it is affiliated directly or indirectly through ownership, control, or other 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 subscribers or of the public, by bad faith or by manipulation of assets, or of accounts, or of reinsurance.

Sec. 3. Section 9, chapter 115, Laws of 1969 and RCW 48.44.162 are each amended to read as follows:

The commissioner may suspend, revoke or refuse to issue or renew any agent's license which is issued or may be issued under this chapter, subject to the right of the licensee or applicant to demand and receive a hearing pursuant to chapters 48.04 and 34.04 RCW, in accordance with the procedure set forth in RCW 48.17.540, for any of the following causes if the licensee or applicant:

(1) Wilfully violates or knowingly participates in the violation of any provision of this chapter, or any proper order or regulation of the commissioner.

(2) Has attempted to obtain a license through misrepresentation or fraud.

(3) Has misappropriated or converted to his own use or has illegally withheld moneys paid to him in connection with a health care service contract.

(4) Has been convicted by final judgment of a felony.

(5) Has, with intent to deceive, materially misrepresented the terms or effect of any health care service contract, or has engaged or is about to engage in any fraudulent transaction.

(6) Has represented a health care service contractor unlawfully doing business here without being licensed therefor.

(7) Has shown himself to be incompetent, untrustworthy, or an actual or potential source of loss or injury to the public.

NEW SECTION. Sec. 4. There is added to chapter 268, Laws of 1947 and to chapter 48.44 RCW a new section to read as follows:

Every subscriber of an individual health care service plan contract issued after September 1, 1973, may return the contract to the health care service contractor or the agent through whom it was purchased within ten days of its delivery to the subscriber if, after examination of the contract, he is not satisfied with it for any reason, and the health care service contractor shall refund promptly any fee paid for such contract. Upon such return of the contract it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. Notice of the substance of this section shall be printed on the face of each such contract or be attached thereto.

Passed the House April 3, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 66
[Substitute House Bill No. 722]
CHARITABLE FUND SOLICITATION--
REGISTRATION--RADIO, TV,
NEWSPAPERS EXEMPT

AN ACT Relating to the solicitation of funds for charity; adding a new section to Title 19 RCW and to chapter ..., Laws of 1973 (Enrolled Senate Bill 2525).

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

NEW SECTION. Section 1. There is added to chapter..., Laws of 1973 (Enrolled Senate Bill 2525) and to Title 19 RCW a new section reading as follows:

Nothing in this chapter shall require registration or application for registration by radio and television stations or legal newspapers, or their employees acting within the scope of their employment nor shall any such station, newspaper or employee thereof be considered a professional fund raiser, charitable organization, professional solicitor or trustee: PROVIDED, HOWEVER, The manager or publisher of any such station or newspaper which solicits and actually collects charitable cash contributions exceeding a total value of five hundred dollars for any single charitable purpose during any twelve month period, although exempt from the registration

provisions of this chapter, shall file a short form report, in the form and manner provided under section 13 of Enrolled Senate Bill 2525, as an account of the distribution of such contributions, and thereafter such additional information as the director may require.

Passed the House April 12, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 67

[House Bill No. 736]

LIMITATIONS UPON REGULAR PROPERTY TAXES

AN ACT Relating to property taxes; amending section 20, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.010; and providing an expiration date.

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

Section 1. Section 20, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.010 are each amended to read as follows:

Except as provided in RCW 84.55.020 through 84.55.050, the levy in 1973 and years subsequent thereto for a taxing district other than the state or a school district in any year shall be set so that the regular property taxes payable in the following year shall not exceed one hundred six percent of the amount of regular property taxes lawfully levied for such district in the highest of the three most recent years in which such taxes were levied for such district plus an additional dollar amount calculated by multiplying the increase in assessed value in that district resulting from new construction and improvements to property by the regular property tax levy rate of that district for the preceding year: PROVIDED, That if a taxing district has not levied in the three most recent years and elects to restore a regular property tax levy subject to applicable statutory limitations then such first restored levy shall be set so that the regular property tax payable shall not exceed the amount which could have been lawfully levied in 1973, plus an additional dollar amount calculated by multiplying the increase in assessed value in the district since 1973 resulting from new construction and improvements to property by the property tax rate which is proposed to be restored, or the maximum amount which could be lawfully levied in the year such a restored levy is proposed.

NEW SECTION. Sec. 2. The provisions of this act shall expire

on December 31, 1978.

Passed the House April 8, 1973.

Passed the Senate April 6, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 68
[House Bill No. 821]
CEMETERIES--PREARRANGEMENT
CONTRACTS

AN ACT Relating to cemeteries, prearrangement contracts for burial services or merchandise; and the powers of the Washington state cemetery board; amending section 42, chapter 290, Laws of 1953 and RCW 68.05.130; amending section 43, chapter 290, Laws of 1953 and RCW 68.05.140; amending section 44, chapter 290, Laws of 1953 and RCW 68.05.150; amending section 45, chapter 290, Laws of 1953 and RCW 68.05.160; amending section 40, chapter 290, Laws of 1953 and RCW 68.05.180; amending section 5, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.255; and adding a new chapter to Title 68 RCW.

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

NEW SECTION. Section 1. Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

"Prearrangement contract" means a contract for purchase of cemetery merchandise or services, to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

"Cemetery merchandise or services" shall mean and include monuments, markers, memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

"Prearrangement trust fund" means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

"Depository" means a qualified public depository as defined by RCW 39.58.050, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, and a savings and loan association as governed by Title 33 RCW, in which prearrangement funds are deposited by any cemetery authority.

NEW SECTION. Sec. 2. Any cemetery authority selling by prearrangement contracts any merchandise or services shall establish

and maintain one or more prearrangement funds for the benefit of beneficiaries of prearrangement contracts.

NEW SECTION. Sec. 3. Fifty percent of all funds collected in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made, may be retained by the cemetery authority. Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment as made on the last fifty percent of each prearrangement contract, excluding sales tax and endowment care, if such charge is made.

NEW SECTION. Sec. 4. All prearrangement trust funds shall be deposited in a qualified public depository as defined by section 1 of this 1973 amendatory act. Such savings accounts shall be designated as the prearrangement trust fund of the particular cemetery authority for the benefit of the beneficiaries named in any prearrangement contract.

NEW SECTION. Sec. 5. A bank, trust company, or savings and loan association designated as the depository of prearrangement funds shall permit withdrawal by a cemetery authority of all funds deposited under any specific prearrangement contract plus interest accrued thereon, under the following circumstances and conditions:

(1) If the cemetery authority files a verified statement with the depository that the prearrangement merchandise and services covered by a contract have been furnished and delivered in accordance therewith; or

(2) If the cemetery authority files a verified statement that a specific prearrangement contract has been canceled in accordance with its terms.

NEW SECTION. Sec. 6. Any purchaser or beneficiary or beneficiaries may, upon written demand of any cemetery authority, demand that any prearrangement contract with such cemetery authority be terminated. In such event, the cemetery authority shall within thirty days refund to such purchaser or beneficiary or beneficiaries all moneys which have been deposited by such cemetery authority with any depository according to the provisions of this chapter, along with such interest as may have been earned by the deposit of such moneys. In any case, where, under a prearrangement contract there is more than one beneficiary, no written demand as provided in this section shall be honored by any cemetery authority unless the written demand provided for herein shall bear the signatures of all of such beneficiaries.

NEW SECTION. Sec. 7. Prearrangement contracts shall automatically terminate if the cemetery authority shall go out of business, become insolvent or bankrupt, make an assignment for the benefit of creditors, or for any other reason be unable to fulfill

the obligations under the contract, in which event, and upon demand by the purchaser or beneficiary or beneficiaries of any prearrangement contract, the depository of the prearrangement funds shall refund to purchasers of prearrangement contracts all funds deposited in accordance with said contracts, unless otherwise ordered by a court of competent jurisdiction.

NEW SECTION. Sec. 8. Prearrangement trust funds shall not be used in any way, directly or indirectly, for the benefit of the cemetery authority or any director, officer, agent or employee of any cemetery authority, including, but not limited to any encumbrance, pledge, or other utilization or prearrangement trust funds as collateral or other security.

NEW SECTION. Sec. 9. Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the cemetery board a written report upon forms prepared by the cemetery board which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually and shall be verified by the president, and the secretary or auditor preparing the same.

NEW SECTION. Sec. 10. Every prearrangement contract shall contain language which informs the purchaser of the prearrangement trust fund and the amount to be deposited in the prearrangement trust fund, which shall not be less than fifty percent of the cash purchase price of the merchandise and services in the contract and shall not include charges for endowment care when included in the purchase price.

NEW SECTION. Sec. 11. No cemetery authority shall sell, offer to sell or authorize the sale of cemetery merchandise or services or accept funds in payment of any prearrangement contract, either directly or indirectly, unless such acts are performed in compliance with this act, and under the authority of a valid, subsisting and unsuspended certificate of authority to operate a cemetery in this state by the Washington state cemetery board.

Sec. 12. Section 42, chapter 290, Laws of 1953 and RCW 68.05.130 are each amended to read as follows:

The board shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

- (1) Within one year after June 11, 1953 and whenever it deems necessary, but at least once every three years after the original examination;
- (2) Whenever the cemetery authority in charge of endowment

care or prearrangement trust fund or funds fails to file the reports required by this chapter; or

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with this 1973 amendatory act, in either of which cases, the examination shall be at the expense of the petitioners.

(4) The expense of the endowment care examination as provided in subdivisions (1) and (2), not to exceed fifty dollars per day for each examiner engaged in the examination whenever the examination requires more than two days, or the expense of the prearrangement trust examination as provided in subdivisions (1) and (2) of this section, not to exceed one hundred dollars per day for each examiner engaged in the examination shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.

Sec. 13. Section 43, chapter 290, Laws of 1953 and RCW 68.05.140 are each amended to read as follows:

If any cemetery authority refuses to pay any examination expenses in advance, the board shall refuse it a certificate of authority and shall revoke any existing certificate of authority. All examination expense moneys collected by the board shall be paid into the state treasury to the credit of the cemetery fund.

Sec. 14. Section 44, chapter 290, Laws of 1953 and RCW 68.05.150 are each amended to read as follows:

In making such examination the board:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts and niches under endowment care.

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments.

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds.

(4) Shall have free access to all records required to be maintained pursuant to this 1973 amendatory act with respect to prearrangement merchandise or services.

(5) Shall ascertain if the cemetery authority has complied with the laws applicable to prearrangement trust funds.

Sec. 15. Section 45, chapter 290, Laws of 1953 and RCW 68.05.160 are each amended to read as follows:

If any examination made by the board, or any report filed with it, shows that there has not been collected and deposited in the

endowment care funds the minimum amounts required by this title, or if the board finds that the cemetery authority has failed to comply with the requirements of this 1973 amendatory act with respect to prearrangement contracts, merchandise or services, and/or prearrangement trust funds, the board shall require such cemetery authority to comply with chapter 68.40 or with this 1973 amendatory act as the case may be.

Sec. 16. Section 40, chapter 290, Laws of 1953 and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall file with the board annually, on or before the thirtieth day of June, a written report in form prescribed by the board setting forth:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care:

(a) From June 12, 1943, to the first day of January of the year preceding the filing of this report.

(b) From the first day of January through the thirty-first day of December of the preceding year.

(2) The amount collected and deposited in both the general and special endowment care funds:

(a) Prior to June 12, 1943.

(b) From June 12, 1943, to the first day of January preceding the filing of this report.

(c) From the first day of January through the thirty-first day of December of the preceding year segregated as to the amounts deposited for crypts, niches, and grave space.

(3) A statement showing the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall show the actual financial condition of the funds.

(4) A statement showing the information required to be filed pursuant to section 9 of this 1973 amendatory act.

~~((The))~~ These reports shall be verified by the president or vice president and one other officer of the cemetery authority and shall be certified by the accountant or auditor preparing the same.

Sec. 17. Section 5, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The board shall, in addition, enter any order deemed

necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of ((said)) such funds immediately before and immediately after such transfer on a written report form prescribed by the board. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

NEW SECTION. Sec. 18. Sections 1 through 11 of this 1973 amendatory act shall constitute a new chapter in Title 68 RCW.

Passed the House March 17, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 69

[House Bill No. 847]

LEGAL AID PROGRAMS--

ALL COUNTIES

AN ACT Relating to the operation of legal aid services in counties; and repealing section 3, chapter 93, Laws of 1939 and RCW 2.50.030.

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

NEW SECTION. Section 1. Section 3, chapter 93, Laws of 1939 and RCW 2.50.030 are each repealed.

Passed the House March 17, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 70

[Substitute House Bill No. 903]

VOTE COUNTING CENTERS--

LOCATION

AN ACT Relating to elections; and amending section 27, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.160.

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

Section 1. Section 27, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.160 are each amended to read as follows:

The county auditor shall determine the location of each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility shall be known as the "counting center" and may be located wherever ((within the county)) in the judgment of the county auditor best serves the voters((: PROVIDED, HOWEVER, That such counting center be within twenty-five miles of the county seat of such county)).

The procedure for picking up voted ballot cards at the respective polling places, the delivery of same to the counting centers, and the procedure at the counting centers shall include but not be limited to the following provisions:

(1) On the day of the election and at the direction of the county auditor, a representative of each major political party shall together stop at each polling place and pick up one or more metal boxes, previously sealed by the precinct election officers, and containing the voted ballot cards for the delivery of same to the counting center. There may be as many as two such stops at each polling place provided that the first stop is not made prior to 2:00 p.m. and the second stop is made after the polls have been closed to voting.

(2) All proceedings at the counting center shall be under the direction of the county auditor and under the observation of two election officers, who shall not be of the same political party. After the polls have been closed to voting, such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container. If upon breaking the seals and opening the containers, it is found that any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: PROVIDED, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035;

(3) The secretary of state shall prescribe rules and regulations for the testing of the vote tallying system prior to the day of the election to ascertain that the equipment will correctly

count the votes cast for all offices and on all measures. However, such test shall be observed by at least two election officers, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above.

On the day of the election, two election officers, not of the same political party, shall be stationed at the counting center throughout the official count. Such persons, upon mutual agreement, may request that the tabulating equipment be stopped as many as three times during the official count so that the accuracy of the proceedings can be again verified at such unscheduled stops by the count of the pre-audited group of ballots.

(4) The returns printed by the automatic tabulating equipment, to which has been added the count of write-in and absentee votes, shall constitute the official returns of each precinct or election district.

Passed the House April 7, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 71

[Substitute House Bill No. 944]

NURSING HOMES--OUT-PATIENT
SERVICE AUTHORIZED

AN ACT Relating to nursing homes; and adding new sections to chapter 117, Laws of 1951 and to chapter 18.51 RCW.

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

NEW SECTION. Section 1. There is added to chapter 117, Laws of 1951 and to chapter 18.51 RCW a new section to read as follows:

A nursing home may, pursuant to rules and regulations adopted by the department of social and health services, offer out-patient

services to persons who are not otherwise patients at such nursing home. Any certified nursing home offering out-patient services may receive payments from the federal Medicare program for such services as are permissible under that program.

Out-patient services may include any health or social care needs, except surgery, that could feasibly be offered on an out-patient basis.

NEW SECTION. Sec. 2. There is added to chapter 117, Laws of 1951 and to chapter 18.51 RCW a new section to read as follows:

The department of social and health services shall assist the nursing home industry in researching the costs of out-patient services allowed under section 1 of this 1973 act. Such cost studies shall be utilized by the department in the determination of reasonable vendor rates for nursing homes offering such services to insure an adequate return to the nursing homes and a cost savings to the state as compared to the cost of institutionalization.

Passed the House April 4, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 72

[House Bill No. 957]

LAND PLANNING COMMISSION--

DISSOLUTION EXTENDED

AN ACT Relating to the state land planning commission; amending section 9, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.920; and declaring an emergency.

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

Section 1. Section 9, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.920 are each amended to read as follows:

The commission shall be dissolved ((upon the termination of the forty-third regular session of the legislature, unless said legislature determines otherwise)) on May 15, 1973.

NEW SECTION. Sec. 2. This 1973 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 April 15, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 73
[House Bill No. 1008]
SESSION LAWS--PUBLICATION--
APPROPRIATION

AN ACT Relating to the publication of the session laws of the state of Washington; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated from the general fund to the statute law committee the sum of eighty-five thousand nine hundred eighty-three dollars, or so much thereof as may be necessary, for the preparation, reproduction, printing and mailing of the session laws of the Washington state legislature.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 7, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 74
[House Bill No. 1019]
TAX ASSESSMENT RECORDS--
DEPARTMENT OF REVENUE
USE AUTHORIZED

AN ACT Relating to revenue and taxation; amending section 6, chapter 24, Laws of 1961 ex. sess. as amended by section 40, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.340.

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

Section 1. Section 6, chapter 24, Laws of 1961 ex. sess. as amended by section 40, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.340 are each amended to read as follows:

For the purpose of verifying any list, statement, or schedule required to be furnished to the assessor by any taxpayer, any assessor or his trained and qualified deputy at any reasonable time may visit, investigate and examine any personal property, and for this purpose the records, accounts and inventories also shall be

subject to any such visitation, investigation and examination which shall aid in determining the amount and valuation of such property. Such powers and duties may be performed at any office of the taxpayer in this state, and the taxpayer shall furnish or make available all such information pertaining to property in this state to the assessor although the records may be maintained at any office outside this state.

Any information or facts obtained pursuant to this section shall be used by the assessor only for the purpose of determining the assessed valuation of the taxpayer's property: PROVIDED, That such information or facts shall also be made available to the department of revenue upon request for the purpose of determining any sales or use tax liability with respect to personal property, and except in a court action pertaining to penalties imposed pursuant to RCW 84.40.130, to such sales or use taxes, or to the assessment or valuation for tax purposes of the property to which such information and facts relate, shall not be disclosed without the permission of the taxpayer to any person other than public officers or employees whose duties relate to valuation of property for tax purposes or to the imposition and collection of sales and use taxes, and any violation of this secrecy provision shall constitute a gross misdemeanor.

Passed the House March 30, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 75

[House Bill No. 1099]

PUBLIC EMPLOYMENT--UNION MEMBERSHIP--

VOTING

AN ACT Relating to public employment; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 154, Laws of 1973 and RCW 41.06.150; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 154, Laws of 1973 and RCW 28B.16.100; declaring an emergency; and making an effective date.

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

Section 1. Section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 154, Laws of 1973 and RCW 41.06.150 are each amended to read as follows:

The board shall adopt and promulgate rules and regulations,

consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority ((of those voting in such election)) wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union

sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED

FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Sec. 2. Section 10, chapter 36, Laws of 1969 ex. sess. as amended by section 2, chapter 154, Laws of 1973 and RCW 28B.16.100 are each amended to read as follows:

(1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority ((of those voting in such election)) wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of

initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken

higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

- (a) Appointment, promotion, and transfer of employees;
- (b) Dismissal, suspension, or demotion of an employee;
- (c) Examinations for all positions in the competitive and noncompetitive service;
- (d) Probationary periods of six months and rejections therein;
- (e) Sick leaves and vacations;
- (f) Hours of work;
- (g) Layoffs when necessary and subsequent reemployment;
- (h) Allocation and reallocation of positions with the classification plans;
- (i) Training programs;
- (j) Maintenance of personnel records.

NEW SECTION. Sec. 3. This 1973 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 midnight June 6, 1973.

Passed the House April 7, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 76

[Senate Bill No. 2025]

STATE INSTITUTIONS--DECEASED RESIDENTS'
ASSETS--DISBURSEMENT AUTHORITY

AN ACT Relating to the property and money of deceased inmates of state institutions; and amending section 11.08.111, chapter 145, Laws of 1965 and RCW 11.08.111.

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

Section 1. Section 11.08.111, chapter 145, Laws of 1965 and RCW 11.08.111 are each amended to read as follows:

Prior to the expiration of the ~~((above))~~ two-year period provided for in RCW 11.08.101, the superintendent may transfer such money or property in his possession, upon request and satisfactory proof submitted to him, to the following designated persons:

(1) To the personal representative of the estate of such deceased inmate; or

(2) To the next of kin of the decedent, where such money and property does not exceed the value of ~~((five hundred))~~ one thousand dollars, and the person or persons requesting same shall have furnished an affidavit as to his or her being next of kin; or

(3) In the case of money, to the person who may have deposited such money with the superintendent for the use of the decedent, where the sum involved does not exceed ~~((five hundred))~~ one thousand dollars; or

(4) To the department ~~((of institutions))~~ of social and health services, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at ~~((such))~~ a state institution: PROVIDED, That transfer of such money or property may be made to the person first qualifying under this section and such transfer shall exonerate the superintendent from further responsibility relative to such money or property: AND PROVIDED FURTHER, That upon satisfactory showing the funeral expenses of such decedent are unpaid, the superintendent may pay up to ~~((three hundred))~~ one thousand dollars from said deceased inmate's funds on said obligation.

Passed the Senate March 9, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 77

[Senate Bill No. 2075]

RAILROAD GRADE CROSSING PROTECTION
FUND--APPORTIONMENT REVISION

AN ACT Relating to railroad grade crossings; and amending section 2, chapter 134, Laws of 1969 and RCW 81.53.271.

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

Section 1. Section 2, chapter 134, Laws of 1969 and RCW 81.53.271 are each amended to read as follows:

The petition shall set forth by description the location of the crossing or crossings, the type of signal or other warning device to be installed, the necessity from the standpoint of public safety for such installation, the approximate cost of installation, and the approximate annual cost of maintenance. If installation is directed by the commission, it shall apportion the cost of installation and maintenance as ~~((follows))~~ provided in this section:

Installation: (1) Sixty percent ~~((from))~~ to the grade crossing protective fund, created by RCW 81.53.281;

(2) Thirty percent to the city, town, county or state; and

(3) Ten percent to the railroad:

PROVIDED, That, if the proposed installation is located at a new crossing requested by a city, town, county or state, forty percent of the cost shall be apportioned to the city, town, county or state, and none to the railroad. If the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be apportioned to the railroad. In the event the city, town, county, or state should concurrently petition the commission and secure an order authorizing the closure of an existing crossing or crossings in proximity to the crossing for which installation of signals or other warning devices shall have been directed, the apportionment to the petitioning city, town, county, or state shall be reduced by ten percent of the total cost for each crossing ordered closed and the apportionment from the grade crossing protective fund increased accordingly. This exception shall not be construed to permit a charge to the grade crossing protective fund in an amount greater than the total cost otherwise apportionable to the city, town, county, or state. No reduction shall be applied where one crossing is closed and another opened in lieu thereof, nor to crossings of a private nature.

Maintenance: (1) Twenty-five percent ~~((from))~~ to the grade crossing protective fund, created by RCW 81.53.281; and

(2) Seventy-five percent ~~((from))~~ to the railroad:

PROVIDED, That if the proposed installation is located at a new crossing requested by a railroad, then the entire cost shall be

apportioned to the railroad.

Passed the Senate March 24, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 78

[Engrossed Senate Bill No. 2096]

SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE

APPORTIONMENT MONEY--PAYMENT AUTHORITY

AN ACT Relating to the powers and duties of the superintendent of public instruction; and amending section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 105, Laws of 1972 ex. sess. and RCW 28A.41.170; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE WASHINGTON:

Section 1. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 105, Laws of 1972 ex. sess. and RCW 28A.41.170 are each amended to read as follows:

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: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts (~~for the 1974-72 school year~~) to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God.

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 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 79

[Senate Bill No. 2139]

CAMPING CLUBS--CONSUMER PROTECTION

ACT COVERAGE

AN ACT Relating to camping clubs; and adding a new section to chapter 19.105 RCW.

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

NEW SECTION. Section 1. There is added to chapter 19.105 RCW a new section to read as follows:

Any violation of the provisions of this chapter shall be construed, for the purposes of application of the Consumer Protection Act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

Passed the Senate March 22, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 80

[Engrossed Senate Bill No. 2146]

STATE PATROL--EMPLOYEES--SPECIAL

DEPUTIZATION POWER

AN ACT Relating to the Washington state patrol; and amending section 43.43.020, chapter 8, Laws of 1965 and RCW 43.43.020.

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

Section 1. Section 43.43.020, chapter 8, Laws of 1965 and RCW 43.43.020 are each amended to read as follows:

The governor shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure

of office as a regular officer of the Washington state patrol.

Passed the Senate March 9, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 81

[Senate Bill No. 2190]

INITIATIVE AND REFERENDUM POWERS--

NONCHARTER CODE CITIES

AN ACT Relating to the powers of initiative and referendum in code cities; and adding new sections to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.11 RCW.

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

NEW SECTION. Section 1. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.11 RCW a new section to read as follows:

The qualified electors of a noncharter code city may exercise the powers of initiative and referendum, upon electing so to do in the manner provided for changing the classification of a city or town in RCW 35A.02.020, 35A.02.025, 35A.02.030, and 35A.02.035, as now or hereafter amended.

The exercise of such powers may be restricted or abandoned upon electing so to do in the manner provided for abandoning the plan of government of a noncharter code city in RCW 35A.06.030, 35A.06.040, 35A.06.050, and 35A.06.060, as now or hereafter amended.

NEW SECTION. Sec. 2. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.11 RCW a new section to read as follows:

Ordinances of noncharter code cities the qualified electors of which have elected to exercise the powers of initiative and referendum shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

- (1) Ordinances initiated by petition;
- (2) Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
- (3) Ordinances providing for local improvement districts;
- (4) Ordinances appropriating money;
- (5) Ordinances providing for or approving collective bargaining;
- (6) Ordinances providing for the compensation of or working

conditions of city employees; and

(7) Ordinances authorizing or repealing the levy of taxes; which excepted ordinances shall go into effect as provided by the general law or by applicable sections of Title 35A RCW as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.11 RCW a new section to read as follows:

Except as provided in section 2 of this 1971 act, and except that the number of registered voters needed to sign a petition for initiative or referendum shall be fifteen percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election, the powers of initiative and referendum in noncharter code cities shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as now or hereafter amended.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 82

[Engrossed Senate Bill No. 2220]

GENERAL ADMINISTRATION DEPARTMENT--AGENCY SPACE

OCCUPANCY--BILLING PROCEDURES

AN ACT Relating to the department of general administration; amending section 43.01.090, chapter 8, Laws of 1965 as amended by section 1, chapter 159, Laws of 1971 ex. sess. and RCW 43.01.090; and prescribing an effective date.

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

Section 1. Section 43.01.090, chapter 8, Laws of 1965 as amended by section 1, chapter 159, Laws of 1971 ex. sess. and RCW 43.01.090 are each amended to read as follows:

The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full

costs including appropriate overhead charges of the foregoing by billing either quarterly((?)) or semiannually((? or annually or in any other manner authorized by law)) as determined by the director ((of the office of program planning and fiscal management)) including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of the office of program planning and fiscal management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as ((may be)) are equitable and ((if he deems it appropriate in the public interest)) reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be exempted from the provisions of this section. Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of the office of program planning and fiscal management has authorized another method for payment of costs.

NEW SECTION. Sec. 2. This 1973 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, 1973.

Passed the Senate March 9, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 83
[Engrossed Senate Bill No. 2270]
HABITUAL TRAFFIC OFFENDERS--TREATMENT
PROGRAMS--COURT STAY ORDER

AN ACT Relating to motor vehicles; amending section 8, chapter 284,

Laws of 1971 ex. sess. and RCW 46.65.060; and prescribing penalties.

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

Section 1. Section 8, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.060 are each amended to read as follows:

If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall revoke the operator's license for a period of five years; PROVIDED, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of motor vehicles. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020 (1). Upon a subsequent conviction for any offense listed in RCW 46.65.020 (1), the stay shall be removed and the department of motor vehicles shall revoke the operator's license for a period of five years.

Passed the Senate March 20, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 84

[Senate Bill No. 2288]

NOTARIES PUBLIC--RECORDS

DEPOSIT--REPEALED

AN ACT Relating to notaries public and commissioners of deeds; and

repealing section 7, page 475, Laws of 1890 and RCW 42.28.080.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
NEW SECTION. Section 1. Section 7, page 475, Laws of 1890 and
RCW 42.28.080 are each repealed.

Passed the Senate March 27, 1973.
Passed the House April 10, 1973.
Approved by the Governor April 20, 1973.
Filed in Office of Secretary of State April 23, 1973.

CHAPTER 85
[Engrossed Senate Bill No. 2294]
SECRETARY OF STATE--PUBLICATIONS,
CHARGE AUTHORITY

AN ACT Relating to the office of the secretary of state; amending
section 1, chapter 122, Laws of 1971 ex. sess. and RCW
43.07.130; adding a new section to chapter 43.07 RCW; and
declaring an emergency.

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

Section 1. Section 1, chapter 122, Laws of 1971 ex. sess. and
RCW 43.07.130 are each amended to read as follows:

There is created within the state treasury a revolving fund,
to be known as the "secretary of state's revolving fund," which shall
be used by the office of the secretary of state to defray the costs
of printing, reprinting, or distributing printed matter authorized by
law to be issued by the office of secretary of state. The secretary
of state is hereby authorized to charge a fee for such publications
in an amount which will compensate for the costs of printing,
reprinting, and distributing such printed matter. Fees recovered
shall be placed in the secretary of state's revolving fund.

NEW SECTION. Sec. 2. There is added to chapter 43.07 RCW a
new section to read as follows:

The secretary of state is hereby specifically authorized to
print, reprint, and distribute the following materials:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;

- (10) The provisions of the Washington state Constitution;
- (11) The provisions of initiative measure 276 and rules and regulations adopted by the public disclosure commission; and
- (12) Rules and regulations related to the statutory provisions set forth above.

NEW SECTION. Sec. 3. This 1973 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 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 86

[Senate Bill No. 2352]

PROSECUTING ATTORNEYS--COUNTIES OF FOURTH CLASS AND LARGER--
PRIVATE PRACTICE--PROHIBITED

AN ACT Relating to prosecuting attorneys; amending section 36.27.060, chapter 4, Laws of 1963 as last amended by section 2, chapter 237, Laws of 1971 ex. sess. and RCW 36.27.060; and providing an effective date.

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

Section 1. Section 36.27.060, chapter 4, Laws of 1963 as last amended by section 2, chapter 237, Laws of 1971 ex. sess. and RCW 36.27.060 are each amended to read as follows:

The prosecuting attorneys and their deputies of class ((three)) four counties and counties with population larger than class ((three)) four counties shall serve full time and shall not engage in the private practice of law: PROVIDED, That deputy prosecuting attorneys in counties of the second class ((and)) third class, and fourth class may serve part time and engage in the private practice of law if the board of county commissioners so provides.

NEW SECTION. Sec. 2. This 1973 amendatory act shall take effect on the second Monday in the month of January, 1975.

Passed the Senate April 8, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 87

[Engrossed Senate Bill No. 2453]

THIRD AND FOURTH CLASS CITIES--MAYOR'S, COUNCILMEN'S
COMPENSATION--REVISION AUTHORITY

AN ACT Relating to cities and towns; amending section 35.24.090, chapter 7, Laws of 1965 as last amended by section 8, chapter 270, Laws of 1969 ex. sess. and RCW 35.24.090; and amending section 35.27.130, chapter 7, Laws of 1965 as last amended by section 9, chapter 270, Laws of 1969 ex. sess. and RCW 35.27.130.

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

Section 1. Section 35.24.090, chapter 7, Laws of 1965 as last amended by section 8, chapter 270, Laws of 1969 ex. sess. 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)) which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

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.

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. 2. Section 35.27.130, chapter 7, Laws of 1965 as last amended by section 9, chapter 270, Laws of 1969 ex. sess. 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.

The compensation of all other officers shall be fixed from

time to time by the council.

Passed the Senate March 9, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 88

[Engrossed Senate Bill No. 2513]

COUNTY OFFICIALS' SALARIES

AN ACT Relating to counties; amending section 36.16.032, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1972 ex. sess. and PCW 36.16.032; amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 237, Laws of 1971 ex. sess. and RCW 36.17.020; and making an effective date.

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

Section 1. Section 36.16.032, chapter 4, Laws of 1963 as last amended by section 1, chapter 97, Laws of 1972 ex. sess. and RCW 36.16.032 are each amended to read as follows:

The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be nine thousand four hundred dollars.

Beginning January 1, 1974, the salary of such office shall be ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

Sec. 2. Section 36.17.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 237, Laws of 1971 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, sixteen thousand dollars; clerk,

sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;

Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;

Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;

Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;

Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;

Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;

Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars;

assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;

Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer-assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.

(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, members of board of county commissioners, coroners, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, twenty-seven thousand five hundred dollars.

Beginning January 1, 1974:

The salaries of the following county officers of class AA and 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 AA counties: Prosecuting attorney, thirty thousand three hundred dollars;

Class A counties: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, nineteen thousand five hundred dollars; coroner, sixteen thousand five hundred dollars;

Counties of the first class: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, seventeen thousand six hundred dollars; coroner, eight thousand eight hundred dollars;

Counties of the second class: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, fourteen thousand nine hundred dollars; coroner, five thousand five hundred dollars;

Counties of the third class: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, thirteen thousand eight hundred dollars; coroner, four thousand dollars;

Counties of the fourth class: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; members of the board of county commissioners, eleven thousand dollars;

Counties of the fifth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; members of the board of county commissioners, nine thousand four hundred dollars;

Counties of the sixth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, seven thousand dollars;

Counties of the seventh class: Auditor, nine thousand one

hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of board of county commissioners, six thousand five hundred dollars;

Counties of the eighth class: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand five hundred dollars.

Counties of the ninth class: Auditor-clerk, eight thousand two hundred dollars; treasurer-assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.

The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

One-half of the salary of each prosecuting attorney shall be paid by the state.

Passed the Senate March 22, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 89

[Senate Bill No. 2515]

TRUSTS--LIFE INSURANCE

INVESTMENT AUTHORITY

AN ACT Relating to the power or authority to direct or control the acts of a trustee or the investments of a trust, authorizing the investment of trust funds in certain policies of life insurance and declaring that certain fiduciaries have an insurable interest in the lives of certain beneficiaries and others; amending section .18.03, chapter 79, Laws of 1947 and RCW 48.18.030; and adding new sections to chapter 33, Laws of 1955 and to chapter 3C.24 RCW.

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

NEW SECTION. Section 1. There is added to chapter 33, Laws of 1955 and to chapter 30.24 RCW a new section to read as follows:

Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to invest the principal of trust funds to acquire and retain policies of life insurance made upon the life of any person for whose benefit the fiduciary holds property or made upon the life of another in whose life such person has an insurable interest, the policy and the proceeds or avails thereof to be the property of the fiduciary.

The purpose of this section is to affirm that certain policies of life insurance are among the investments authorized for fiduciaries, but without creating any inference that a policy of life insurance is preferable to other authorized investments in a particular instance.

NEW SECTION. Sec. 2. There is added to chapter 33, Laws of 1955 and to chapter 30.24 RCW a new section to read as follows:

Whenever power or authority to direct or control the acts of a trustee or the investments of a trust is conferred directly or indirectly upon any person other than the designated trustee of the trust, such person shall be deemed to be a fiduciary and shall be liable to the beneficiaries of said trust and to the designated trustee to the same extent as if he were a designated trustee in relation to the exercise or nonexercise of such power or authority.

Sec. 3. Section .18.03, chapter 79, Laws of 1947 and RCW 48.18.030 are each amended to read as follows:

(1) Any individual of competent legal capacity may procure or effect an insurance contract upon his own life or body for the benefit of any person. But no person shall procure or cause to be procured any insurance contract upon the life or body of another individual unless the benefits under such contract are payable to the individual insured or his personal representatives, or to a person having, at the time when such contract was made, an insurable interest in the individual insured.

(2) If the beneficiary, assignee or other payee under any contract made in violation of this section receives from the insurer any benefits thereunder accruing upon the death, disablement or injury of the individual insured, the individual insured or his executor or administrator, as the case may be, may maintain an action to recover such benefits from the person so receiving them.

(3) "Insurable interest" as used in this section and in RCW 48.18.060 includes only interests as follows:

(a) In the case of individuals related closely by blood or by

law, a substantial interest engendered by love and affection; and

(b) in the case of other persons, a lawful and substantial economic interest in having the life, health or bodily safety of the individual insured continue, as distinguished from an interest which would arise only by, or would be enhanced in value by, the death, disablement or injury of the individual insured.

(c) An individual heretofore or hereafter party to a contract or option for the purchase or sale of an interest in a business partnership or firm, or of shares of stock of a close corporation or of an interest in such shares, has an insurable interest in the life of each individual party to such contract and for the purposes of such contract only, in addition to any insurable interest which may otherwise exist as to the life of such individual.

(d) A guardian, trustee or other fiduciary has an insurable interest in the life of any person for whose benefit the fiduciary holds property, and in the life of any other individual in whose life such person has an insurable interest.

Passed the Senate March 20, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 90

[Senate Bill No. 2571]

INDUSTRIAL DEVELOPMENT CORPORATIONS--LOAN LIMIT
INCREASE--HISTORIC PRESERVATION AUTHORITY

AN ACT Relating to industrial development corporations; amending section 5, chapter 162, Laws of 1963 and RCW 31.24.050; and adding a new section to chapter 31.24 RCW.

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

Section 1. Section 5, chapter 162, Laws of 1963 and RCW 31.24.050 are each amended to read as follows:

Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board

of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ten times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) ~~((Twenty))~~ Thirty percent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or in the case of an insurance company, its last annual statement to the state insurance commissioner; two and one-half percent of the capital and surplus of commercial banks and trust companies; one-half of one percent of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half percent of the unassigned surplus of mutual insurance companies, except fire insurance companies; one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to subsection (3) (a) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board

of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

NEW SECTION. Sec. 2. In addition to the purposes specified in RCW 31.24.020(2) an industrial development corporation may be formed to encourage and stimulate the preservation of historic buildings or areas by returning them to economically productive uses which are compatible with or enhance the historic character of such buildings or areas; to stimulate and assist in the development of business or other activities which have an impact upon the preservation of historic buildings or areas; to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of historical preservation activities; and to provide financing through loans, investments of other business transactions for the promotion, development, and conduct of all kinds of business activity which encourages or relates to historic preservation. An industrial development corporation created to carry out the purposes of this section shall not engage in the broad economic and business promotion activities permitted by RCW 31.24.020(3) which are not related to the purposes of this section. Any such industrial development corporation shall in all other respects be subject to the provisions of this chapter.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 91

[Substitute Senate Bill No. 2589]

PAWN BROKERS--FEES, INTEREST--
MAXIMUM RATES

AN ACT Relating to pawn brokers; and amending section 234, chapter 249, Laws of 1909 and RCW 19.60.060.

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

Section 1. Section 234, chapter 249, Laws of 1909 and RCW 19.60.060 are each amended to read as follows:

All pawn brokers are authorized to charge and receive interest and other fees at the following rates (~~of three percent a month~~) for money loaned on the security of personal property actually received in pledge:

(1) The interest shall not exceed:

(a) For an amount loaned up to \$19.99 - interest at \$1.00 per

month;

(b) For an amount loaned from \$20.00 to \$39.99 - interest at the rate of \$1.50 per month;

(c) For an amount loaned from \$40.00 to \$75.99 - interest at the rate of \$2.00 per month;

(d) For an amount loaned from \$76.00 to \$100.99 - interest at the rate of \$2.50 per month;

(e) For an amount loaned from \$101.00 to \$125.99 - interest at the rate of \$3.00 per month;

(f) For an amount loaned from \$126.00 or more - interest at the rate of three percent a month;

(2) The fee for the preparation of documents, pledges, or reports required under the laws of the United States of America, the state of Washington, or the counties, cities, towns, or other political subdivisions thereof, shall not exceed:

(a) For the amount loaned up to \$4.99 - the sum of \$.50;

(b) For the amount loaned from \$5.00 to \$9.99 - the sum of \$2.00;

(c) For the amount loaned from \$10.00 to \$19.99 - the sum of \$3.00;

(d) For the amount loaned from \$20.00 to \$39.99 - the sum of \$4.00;

(e) For the amount loaned from \$40.00 to \$74.99 - the sum of \$5.00;

(f) For the amount loaned from \$75.00 to \$99.99 - the sum of \$7.50;

(g) For the amount loaned from \$100.00 or more - the sum of \$9.00;

(3) The fee for the care, maintenance, insurance relating to, preparation for storage of, and storage of personal property actually received in pledge, shall not exceed:

(a) For precious jewels, jewelry, or other personal property having a value \$100.00 to \$299.99, an amount equal to one-tenth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;

(b) For precious jewels, jewelry, or other personal property having a value exceeding \$300.00, an amount equal to one-twelfth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;

(4) Fees under subsections (2) and (3) may be charged one time only during the term of a pledge, and every person who shall ask or receive a higher rate of interest or discount or other fees on any such loan, or on any actual or pretended sale, or redemption of personal property, or who shall sell any property held for redemption within ninety days after the period for redemption shall have

expired, shall be guilty of a misdemeanor.

A COPY OF THIS SECTION, SET IN TWELVE POINT TYPE OR LARGER, SHALL BE POSTED PROMINENTLY IN EACH PREMISES SUBJECT TO THIS CHAPTER.

Passed the Senate April 2, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 92

[Senate Bill No. 2643]

BANK HOLDING COMPANIES--

OWNERSHIP AUTHORITY

AN ACT Relating to bank holding companies; and amending section 30.04.230, chapter 33, Laws of 1955 as amended by section 1, chapter 69, Laws of 1961 and RCW 30.04.230.

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

Section 1. Section 30.04.230, chapter 33, Laws of 1955 as amended by section 1, chapter 69, Laws of 1961 and RCW 30.04.230 are each amended to read as follows:

A corporation or association organized under the laws of this state, or licensed to transact business in the state, shall not hereafter acquire any shares of stock of any bank, trust company, or national banking association which, in the aggregate, enable it to own, hold, or control more than twenty-five percent of the capital stock of more than one such bank, trust company, or national banking association: PROVIDED, HOWEVER, That the foregoing restriction shall not apply as to any legal commitments existing on February 27, 1933: AND PROVIDED, FURTHER, That the foregoing restriction shall not apply to prevent any such corporation or association which has its principal place of business in this state from acquiring additional shares of stock in a bank, trust company, or national banking association in which such corporation or association owned twenty-five percent or more of the capital stock on January 1, 1961.

A person who does, or conspires with another or others in doing, an act in violation of this section shall be guilty of a gross misdemeanor. A corporation that violates this section, or a corporation whose stock is acquired in violation hereof, shall forfeit its charter if it be a domestic corporation, or its license to transact business if it be a foreign corporation; and the forfeiture shall be enforced in an action by the state brought by the

attorney general.

Passed the Senate March 20, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 93
[Engrossed Senate Bill No. 2656]
SAVINGS AND LOAN ASSOCIATIONS--"KEOGH
ACT" TRUSTEESHIP AUTHORITY

AN ACT Relating to savings and loan associations; adding a new section to chapter 235, Laws of 1945 and to chapter 33.12 RCW. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 235, Laws of 1945 and to chapter 33.12 RCW a new section to read as follows:

A savings and loan association shall have the power to act as trustee under:

A retirement plan established pursuant to the provisions of the act of Congress entitled "Self-Employed Individuals Tax Retirement Act of 1962" (76 Stat. 809, 26 U.S.C. Sec 37), as now constituted or hereafter amended. If a retirement plan, which in the judgment of the savings and loan association, constituted a qualified plan under the provisions of that act at the time accepted by the savings and loan association, is subsequently determined not to be a qualified plan or subsequently ceases to be a qualified plan in whole or in part, the savings and loan association may, nevertheless, continue to act as trustee of any deposits theretofore made under the plan and to dispose of the same in accordance with the directions of the trustor and the beneficiaries thereof.

Passed the Senate March 27, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 94
[Substitute Senate Bill No. 2736]
CABLE TELEVISION SERVICES--
UNLAWFUL USE

AN ACT Relating to the theft of cable television services; adding a

new section to chapter 9.45 RCW; and prescribing penalties.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 9.45 RCW a new section to read as follows:

Any person who intentionally and knowingly obtains broadcast signals from a cable antenna television system by making any connection by wire to the cable, excepting from the wall outlet to the set, and who makes the connection without the consent of the operator of the system and in order to avoid payment to the operator shall be guilty of a misdemeanor.

Passed the Senate April 3, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 95

[Engrossed Senate Bill No. 2835]

MUNICIPAL UTILITIES--SURPLUS

PROPERTY DISPOSAL AUTHORITY

AN ACT Relating to the sale or lease of municipal utilities; and adding a new section to chapter 35.94 RCW.

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

NEW SECTION. Section 1. There is added to chapter 35.94 RCW a new section to read as follows:

Whenever a city shall determine, by resolution of its legislative authority, that any lands, property, or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative authority deems to be in the best public interest.

The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 96

[Senate Bill No. 2847]

ALCOHOLIC BEVERAGE CONTROL--LICENSED PREMISES--18
YEAR OLD PROFESSIONAL MUSICIANS--
EMPLOYMENT PERMITTED

AN ACT Relating to alcoholic beverage control; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 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 62, Laws of 1933 ex. sess. and to chapter 66.44 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 nineteen years.

NEW SECTION. Sec. 2. This 1973 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 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 97

[Senate Bill No. 2890]

SOUTHWEST WASHINGTON FAIR--

AN ACT Relating to the southwest Washington fair and property utilized therefor; amending sections 36.90.010, 36.90.020, 36.90.030, 36.90.040 and 36.90.050, chapter 4, Laws of 1963 and RCW 36.90.010, 36.90.020, 36.90.030, 36.90.040 and 36.90.050; repealing section 36.90.060, chapter 4, Laws of 1963 and RCW 36.90.060; and creating new sections.

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

Section 1. Section 36.90.010, chapter 4, Laws of 1963 and RCW 36.90.010 are each amended to read as follows:

The property of the Southwest Washington Fair Association

including the buildings and structures thereon, as constructed or as may be built or constructed from time to time, or any alterations or additions thereto, shall be under the jurisdiction and control of the board of county commissioners of Lewis county at all times ((except during the month or months in which the southwest Washington fair commission desires to use such property for the purpose of holding a fair or exposition in conformity with the objects of such association; and for the two months immediately preceding the month or months fixed for the holding of such fair or exhibition; and such other or further time or times as the board of county commissioners of Lewis county may authorize the southwest Washington fair commission to use it)).

Sec. 2. Section 36.90.020, chapter 4, Laws of 1963 and RCW 36.90.020 are each amended to read as follows:

The southwest Washington fair commission ((shall be composed of; as ex officio members thereof, by virtue of their office, the members of the board of county commissioners of Lewis county and the chairman of the board of county commissioners of Thurston, Cowlitz, Wahkiakum, Pacific, Grays Harbor and such other counties, or so many of said counties, as evidenced by formal resolution of the respective boards of county commissioners thereof, as desire to participate in the fair or exhibition or other event held on such grounds)) heretofore established and authorized under the provisions of this chapter is abolished and all rights, duties and obligations of such commission is devolved upon the board of county commissioners of Lewis county and 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 1973 amendatory act by or for the commission shall, on the effective date of this 1973 amendatory act vest in Lewis county.

Sec. 3. Section 36.90.030, chapter 4, Laws of 1963 and RCW 36.90.030 are each amended to read as follows:

The board of county commissioners in the county of Lewis ((shall notify the board of county commissioners of each of the other counties comprising the southwest Washington fair commission of the time and place of meetings of the)) as administrators of all property relating to the southwest Washington fair ((commission, which meetings shall be called for a time not less than thirty days from the giving of such notice. The first meeting of the commission shall be held at the courthouse of Lewis county, at which time and place the commission shall proceed to organize)) may elect to appoint a commission of citizens to advise and assist in carrying out such fair. The chairman of the board of county commissioners of Lewis

county shall be chairman of ((the)) any such commission. ((The)) Such commission ((shall proceed to)) may elect a president and secretary and define their duties and fix their compensation, and provide for the keeping of its records. The commission ((shall)) may also ((select some person to act as treasurer; and for this purpose may)) designate the treasurer of Lewis county as fair treasurer. The funds ((of the commission)) relating to fair activities shall be kept separate and apart from the funds of Lewis county, but shall be deposited in the regular depositories of Lewis county and all interest earned thereby shall be added to and become a part of the funds. ((The treasurer shall give such bond as the commission may determine for the safekeeping of the funds; The commission shall also provide for an auditing committee of three members to audit all accounts against the commission; and no funds shall be paid out of the treasury of the commission except upon warrants signed by the chairman of the commission; attested by the secretary; after the approval of the claim therefor by the auditing committee)) Fair funds shall be audited as are other county funds.

Sec. 4. Section 36.90.040, chapter 4, Laws of 1963 and RCW 36.90.040 are each amended to read as follows:

((Each member county may make donations or appropriations to the funds of the commission and may take any other part in the commission; as may be deemed advisable by the board of county commissioners of such county; and may exhibit the products or resources of such county in the manner deemed for its best interest;)) The southwest Washington fair shall be deemed a county and district fair for the purposes of chapter 15.76 RCW as well as an agricultural fair for the purpose of receiving allocations of funds under 15.76.140 through 15.76.165 RCW.

Sec. 5. Section 36.90.050, chapter 4, Laws of 1963 and RCW 36.90.050 are each amended to read as follows:

The ((southwest Washington fair commission)) Lewis county board of county commissioners may acquire by gift, exchange, devise, lease, or purchase, real property ((situated in any member county;)) for southwest Washington fair purposes and may construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining the southwest Washington fair. ((For the purposes of this section donations and appropriations made by member counties under the provisions of RCW 36.90.040 may be used; and in addition; member counties may lease; sell; or donate property to the southwest Washington fair commission or exchange property for property of the southwest Washington fair commission or of a member county;)) Any such property ((of the southwest Washington fair commission)) deemed surplus by the ((commission)) board may be (1) sold at private sale after notice in a local publication of general

circulation, or (2) exchanged ((by the commission)) for other property after notice in a local publication of general circulation.

NEW SECTION. Sec. 6. Upon payment to the state of Washington by Lewis county of the sum of one dollar, which sum shall be deposited in the general fund when received by the treasurer of the state of Washington, such treasurer is authorized and directed to certify to the governor and secretary of state that such payment has been made on the following described property presently utilized for southwest Washington fair purposes situated in Lewis county, Washington: "Beginning at the intersection of the south line of section Seventeen (17) Township Fourteen (14) North of Range Two (2) West of W.M. with the West right-of-way line of the Somerville consent Road, and running thence North 15 degrees 20 feet East along the West line of said Road, Eleven Hundred Forty-four (1144) feet, thence North 2 degrees 33 feet West along the said west line Seventy-four and four-tenths (74.4) feet, thence west on a line parallel with the said south line of said Section Seventeen (17) Eleven Hundred Sixty-seven and two tenths (1167.2) feet to within one hundred fifty (150) feet to the Center line of the Northern Pacific Railroad, thence south 16 degrees 20 feet West on a line parallel with and one hundred fifty (150) feet distant Easterly from the Center line of the Northern Pacific Railroad Eleven Hundred and Thirty-five and seven-tenths (1135.7) feet, thence East on a line parallel with and Eighty-seven and three-tenths (87.3) feet north of the south line of said section seventeen (17) eight hundred fifty seven (857) feet, thence south 74 degrees 40 feet East three hundred thirty (330) feet to the point of beginning, containing thirty (30) acres in Section Seventeen (17) Township Fourteen (14) North of Range Two (2) West of W.M." and the governor is thereby authorized and directed forthwith to execute and the secretary of state is authorized and directed to attest to a deed conveying said lands to Lewis county, Washington. The office of the attorney general and the commissioner of public lands shall offer any necessary assistance in carrying out such conveyance.

NEW SECTION. Sec. 7. Section 36.90.060, chapter 4, Laws of 1963 and RCW 36.90.060 are each 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 Senate April 3, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 20, 1973.

Filed in Office of Secretary of State April 23, 1973.

CHAPTER 98
[House Bill No. 161]
REAL PROPERTY TAX EXEMPTION--
CIVIL SERVICE, RAILROAD
RETIREMENT BENEFITS--

AN ACT Relating to revenue and taxation; amending section 4, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.37C; and making an effective date.

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

Section 1. Section 4, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 126, Laws of 1972 ex. sess. and RCW 84.36.370 are each amended to read as follows:

A person shall be exempt from any legal obligation to pay a percentage of the amount of real property taxes due and payable in 1972 and subsequent years as the result of the levy of additional taxes in excess of regular property tax levies as that term is defined in RCW 84.04.140, as now or hereafter amended, and/or from such regular property tax levies in accordance with the following conditions:

(1) The property taxes must have been imposed upon a residence which has been regularly occupied by the person claiming the exemption during the two calendar years preceding the year in which the exemption claim is filed; or the property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of January 1st of the year for which the claim is filed and the person claiming the exemption must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the claim is filed.

(2) The person claiming the exemption must have owned, at the time of filing, in fee, or by contract purchase, 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) The person claiming the exemption must have been sixty-two years of age or older on January 1st of the year in which the exemption claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability, except for the purposes of chapters 84.56 and 84.60 RCW, the term real property shall also include a mobile home which has substantially lost its identity as a mobile unit by virtue of its

being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water or other utilities.

(4) The amount that the person shall be exempt from an obligation to pay shall be calculated, on the basis of the combined income, from all sources whatsoever, of the person claiming the exemption and his or her spouse for the preceding calendar year, in accordance with the following schedule:

Income Range	Percentage of Excess Levies Exemption
\$4,000 or less	One hundred percent
\$4,001 - \$6,000	Fifty percent

PROVIDED, HOWEVER, That, solely with respect to a person within the income range of \$4,000 or less, in the event that taxes due and payable include no excess levies or include excess levies less than \$50.00, the amount of the exemption shall be \$50.00 and the difference shall be attributed pro rata to regular property tax levies of each of the taxing districts: AND PROVIDED FURTHER, That only two-thirds of any social security benefits, federal civil service retirement, or railroad retirement pension shall be considered as income for the purposes of this section.

((This section shall be effective as to claims made in 1974 and subsequent years with respect to taxes due and payable in 1972 and subsequent years.))

NEW SECTION. Sec. 2. This 1973 amendatory act shall be effective January 1, 1974: PROVIDED, That the exemption provisions of RCW 84.36.370 as last amended by section 1, chapter 126, Laws of 1972 ex. sess. shall remain applicable for the year 1973.

Passed the House April 14, 1973.
Passed the Senate April 14, 1973.
Approved by the Governor April 23, 1973.
Filed in Office of Secretary of State April 24, 1973.

CHAPTER 99
[House Bill No. 252]
STATE EMPLOYEES--DEFERRED
COMPENSATION PROGRAM

AN ACT Relating to public employees' benefits; amending section 1, chapter 264, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1972 ex. sess. and RCW 41.04.250; and declaring an emergency.

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

Section 1. Section 1, chapter 264, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1972 ex. sess. and RCW

41.04.250 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 is authorized to:

(1) Enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401(a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

(2) Contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed twenty-five percent of such income, and may subsequently with the consent of the employee, purchase a life insurance or fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter duly licensed by this state who represents an insurance company licensed to contract business in this state. In no event shall the total payments made for the purchase of said life insurance contract, or fixed and/or variable annuity contract and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Coverage of an employee under a qualified pension plan ~~((or))~~, contract for a deferred annuity or deferred compensation plan under

this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 100

[House Bill No. 324]

STATE BUDGET--SUBMISSION,
ACCOUNTING CHANGES

AN ACT Relating to the budget and accounting system; amending section 43.88.010, chapter 8, Laws of 1965 and RCW 43.88.010; amending section 43.88.020, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1969 ex. sess. and RCW 43.88.020; amending section 43.88.030, chapter 8, Laws of 1965 and RCW 43.88.030; amending section 43.88.060, chapter 8, Laws of 1965 and RCW 43.88.060; amending section 43.88.080, chapter 8, Laws of 1965 and RCW 43.88.080; amending section 43.88.090, chapter 8, Laws of 1965 and RCW 43.88.090; amending section 43.88.120, chapter 8, Laws of 1965 and RCW 43.88.120; amending section 43.88.180, chapter 8, Laws of 1965 and RCW 43.88.180; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.88 RCW.

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

Section 1. Section 43.88.010, chapter 8, Laws of 1965 and RCW 43.88.010 are each amended to read as follows:

It is the purpose of this chapter to establish an effective budget and accounting system for all activities of the state government; to prescribe the powers and duties of the governor as these relate to securing such fiscal controls as will promote effective budget administration; and to prescribe the responsibilities of agencies of the executive branch of the state government.

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in

cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government.

Sec. 2. Section 43.88.020, chapter 8, Laws of 1965 as amended by section 9, chapter 239, Laws of 1969 ex. sess. 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) "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 director of program planning and fiscal management shall be head of the 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.

(7) "Ensuing biennium" shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) "Dedicated fund" means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but "dedicated fund" shall not include a revolving fund or a trust fund.

(9) "Revolving fund" means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from

other accounts or funds.

(10) "Trust fund" means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

Sec. 3. Section 43.88.030, chapter 8, Laws of 1965 and RCW 43.88.030 are each amended to read as follows:

(1) The budget document or documents shall consist of ((the following parts:

Part I shall contain)) the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

((Part I)) The budget document or documents shall also contain:

((As to revenues:

(1)) (a) ((Anticipated)) Revenues classified by fund and source((;

(2) Comparisons between revenues actually received during) for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing ((period)) biennium;

((3)) (b) Cash surplus or deficit, by fund, to the extent provided by RCW 43.88.040 and 43.88.050;

(c) Such additional information dealing with expenditures, revenues, work load, performance and personnel as the legislature may direct by law or concurrent resolution;

((4)) (d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature((+));

((As to expenditures:

(1)) (a) Tabulations showing expenditures classified by fund, function, activity and object((;

{2} Cash deficit, by fund, to the extent provided by RCW 43.88.050.

{3} Such additional information dealing with expenditures as the governor shall deem pertinent and useful to the legislature).

((Part II shall embrace the)) {2} The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures((, Part II)) and shall also include all proposed operating or capital expenditures. The total of anticipated revenues shall equal or exceed the total of proposed applicable expenditures((: PROVIDED, That this requirement shall not prevent the liquidation of any deficit existing on the effective date of this chapter. This part)). The budget document or documents shall further include:

((1)) a) Interest, amortization and redemption charges on the state debt;

((2)) b) Payments of all reliefs, judgments and claims;

((3)) c) Other statutory expenditures;

((4)) d) Expenditures incident to the operation for each agency ((in such form as the governor shall determine));

((5)) e) Revenues derived from agency operations;

((6)) f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing ((periods;)) biennium.

((7) Such other information as the governor shall deem useful to the legislature in gaining an understanding of revenues and expenditures.

Part III shall consist of:)) {3} A separate budget document or schedule may be submitted consisting of:

((1)) a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

((2)) b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

((3)) c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

{4} No change affecting the comparability of agency or program

information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to a regular legislative session in an odd-numbered year relative to the format of the budget document which was presented to the previous regular session of the legislature in an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session.

Sec. 4. Section 43.88.060, chapter 8, Laws of 1965 and RCW 43.88.060 are each amended to read as follows:

((Within five calendar days after the convening of the legislature)) The governor shall submit the budget document ((unless such time is extended by the legislature)) for the 1975-77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required.

Sec. 5. Section 43.88.080, chapter 8, Laws of 1965 and RCW 43.88.080 are each amended to read as follows:

Adoption of the omnibus appropriation((; or budget;)) bill or bills by the legislature shall constitute adoption of the budget and the making of appropriations therefor. ((The)) A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ((fiscal period)) ensuing biennium.

Sec. 6. Section 43.88.090, chapter 8, Laws of 1965 and RCW 43.88.090 are each amended to read as follows:

For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the legislative budget committee at

the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary.

Sec. 7. Section 43.88.120, chapter 8, Laws of 1965 and RCW 43.88.120 are each amended to read as follows:

Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates for the ensuing biennium at such times and in such form as may be required by him. A copy of such revenue estimates shall be filed with the legislative budget committee at the same time.

Sec. 8. Section 43.88.180, chapter 8, Laws of 1965 and RCW 43.88.180 are each amended to read as follows:

Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. ((A trust fund is defined for purposes of this chapter as a fund consisting of resources received and held by an agency as trustee, to be expended or invested in accordance with the provisions of the trust;)) Said trust funds shall include, but shall not be limited to, the accident fund, medical aid fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. ((Nor shall)) Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. ((It shall not be necessary for)) An appropriation ((to be made)) may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190.

NEW SECTION. Sec. 9. There is added to chapter 8, Laws of 1965 and to chapter 43.88 RCW a new section to read as follows:

Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend.

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:

If any provision of this 1973 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 April 12, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 101

[House Bill No. 346]

JUVENILE DETENTION--
COURT RESPONSIBILITY

AN ACT Relating to detention of juveniles; amending section 2, chapter 302, Laws of 1961 and RCW 13.04.053; and amending section 17, chapter 172, Laws of 1967 and RCW 74.13.031.

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

Section 1. Section 2, chapter 302, Laws of 1961 and RCW 13.04.053 are each amended to read as follows:

Whenever any child is taken into custody, the parent or guardian must be immediately notified. Such requirement may be waived by the court in cases where the parent or guardian cannot be located.

No child shall be held in detention or shelter longer than seventy-two hours excluding Sundays and holidays, unless a petition as provided for in RCW 13.04.060 has been filed. No child may be

held longer than seventy-two hours after the filing of such a petition unless an order for such continued detention or shelter has been signed by the juvenile court judge. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued detention. In every order authorizing continued detention the court shall make and enter its findings upon which continued detention is based. A child in need of detention either by reason of assaultive conduct or because of probable failure to appear for further proceedings, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095, be the responsibility of and provided for by the juvenile court. The juvenile court shall also provide necessary detention facilities and services for a child previously paroled from juvenile correctional facilities whose parole has been suspended by juvenile parole authorities based on one or more allegations of violation of a condition or conditions of parole.

Sec. 2. Section 17, chapter 172, Laws of 1967 and RCW 74.13.031 are each amended to read as follows:

The department shall have the duty to provide child welfare services as defined in RCW 74.13.020, and shall:

(1) Develop, administer, and supervise a plan that establishes, extends aid to, and strengthens services for the protection and care of homeless, dependent or neglected children, or children in danger of becoming delinquent.

(2) Investigate complaints of neglect, abuse, or abandonment of children by parents, guardians, custodians, or persons serving in loco parentis, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, guardians, custodians or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. If the investigation reveals that a crime may have been committed, notify the appropriate law enforcement agency.

(3) Cooperate with other public and voluntary agencies and organizations in the development and coordination of programs and activities in behalf of children.

(4) Have authority to accept custody of children from parents, guardians, and/or juvenile courts, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and to make payment of maintenance costs if needed. A child in need of detention, whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095, be the responsibility of and provided for by the juvenile court.

(5) Have authority to purchase care for children and shall

follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(6) Establish a child welfare and day care advisory committee who shall act as an advisory committee to the state advisory committee and to the ((~~director~~)) secretary in the development of policy on all matters pertaining to child welfare, day care, licensing of child care agencies, and services related thereto.

Passed the House March 9, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 102

[House Bill No. 362]

PUBLIC ASSISTANCE--WORKMEN'S COMPENSATION
BENEFITS--SUBROGATION

AN ACT Relating to public assistance; and adding new section to chapter 74.04 RCW.

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

NEW SECTION. Section 1. Notwithstanding any provisions in Title 51 RCW to the contrary, by accepting public assistance from the department of social and health services, the recipient thereof shall be deemed to have subrogated said department to the recipient's right to recover net time loss compensation due to such recipient pursuant to the provisions of Title 51 RCW of up to eighty percent of the extent of such assistance or compensation, whichever is less, furnished to the recipient for or during the period for which time loss compensation is payable: PROVIDED, That where public assistance has been furnished to one or more persons to whom such a recipient owes a duty of support, whether such duty has been expressed by an order of court or otherwise, the department's right to recover any time loss compensation shall be limited to that part of such compensation allocated to such persons by RCW 51.32.090: PROVIDED, FURTHER, That the amount to be repaid to the department of social and health services shall bear its proportionate share of attorney's fees and costs, if any, incurred by the injured workman or his dependents. The department of social and health services may assert and enforce a lien and notice to withhold and deliver as hereinafter provided to secure reimbursement of any public assistance paid for or during the

period and for the purposes expressed in this section: PROVIDED, FURTHER, That no claim for payment under chapter 73.34 RCW shall be subject to garnishment, attachment, levy, or execution.

NEW SECTION. Sec. 2. The form of lien and notice to withhold and deliver in section 1 of this 1973 act shall be signed by the secretary or his authorized representative and shall be substantially as follows:

STATEMENT OF LIEN AND NOTICE TO WITHHOLD AND DELIVER
TO: State of Washington, Department of Labor
and Industries

NOTICE IS HEREBY GIVEN THAT DURING THE PERIOD commencing..... and ending....., the department of social and health services furnished public assistance to..... in the amount of \$....., and therefore it claims a lien in the amount of \$....., upon time loss compensation payable to said recipient for or during said period in the amount above stated. You are therefore commanded to withhold and deliver to the department of social and health services, to the extent of the amount claimed due, any funds you now hold or which may come into your possession on account of time loss compensation payable to said recipient for or during the period mentioned.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES
BY.....
(Title)

NEW SECTION. Sec. 3. The effective date of the statement of lien and notice to withhold and deliver provided in section 2 of this 1973 act, shall be the day that it is received by the director of the department of labor and industries or an employee of his office of suitable discretion: PROVIDED, That service of such statement of lien and notice to withhold and deliver may be made personally or by regular mail, postage prepaid: PROVIDED, FURTHER, That a copy of the statement of lien and notice to withhold and deliver shall be mailed to the recipient at his last known address by certified mail, return receipt requested, no later than three days after such statement of lien and notice to withhold and deliver has been mailed or delivered to the department of labor and industries.

NEW SECTION. Sec. 4. The director of the department of labor and industries, following receipt of the statement of lien and notice to withhold and deliver, shall deliver to the secretary of the department of social and health services or his designee any funds up to the amount claimed he may hold, or which may at any time come into his possession, on account of time loss compensation payable to said recipient for or during the period stated, immediately upon a final determination of the recipient's entitlement to the time loss

compensation in accordance with the provisions of Title 51 RCW.

NEW SECTION. Sec. 5. Any person feeling himself aggrieved by the action of the department of social and health services in impounding his time loss compensation as provided in this 1973 act shall have the right to an administrative hearing, which hearing may be conducted by an examiner designated by the secretary for such purpose.

Any such person who desires a hearing shall, within thirty days after the notice to withhold and deliver has been mailed to or served upon the director of the department of labor and industries and said appellant, file with the secretary a notice of appeal from said action.

The hearings conducted shall be in accordance with chapter 34.04 RCW (Administrative Procedure Act).

NEW SECTION. Sec. 6. This act shall not apply to persons whose eligibility for benefits under Title 51, RCW, is based upon an injury or illness occurring prior to July 1, 1972.

NEW SECTION. Sec. 7. Sections 1 through 5 of this 1973 act are added to chapter 74.04 RCW.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 103

[House Bill No. 376]

INVESTMENT ADVISORY COMMITTEE--

PUBLIC FUND INVESTMENT

AN ACT Relating to investments; amending section 8, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.080; amending section 7, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.070; amending section 2, chapter 297, Laws of 1961 and RCW 41.32.201; amending section 3, chapter 297, Laws of 1961 and RCW 41.32.202; amending section 3, chapter 104, Laws of 1965 ex. sess. and RCW 43.84.031; amending section 51.44.100, chapter 23, Laws of 1961 as last amended by section 2, chapter 92, Laws of 1972 ex. sess. and RCW 51.44.100; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding new sections to chapter 43.33 RCW; adding new sections to chapter 43.84 RCW; repealing section 20, chapter 80, Laws of 1947, section 6, chapter 274, Laws of

1955, section 1, chapter 297, Laws of 1961, section 3, chapter 14, Laws of 1963 ex. sess., section 2, chapter 81, Laws of 1965 ex. sess., section 6, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.200; repealing section 8, chapter 155, Laws of 1965, section 3, chapter 128, Laws of 1969 and RCW 41.40.071; repealing section 1, chapter 104, Laws of 1965 ex. sess., section 1, chapter 2, Laws of 1967 ex. sess. and RCW 43.84.011; creating a new section; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 8, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.080 are each amended to read as follows:

(1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund.

(3) The public employees' retirement board established by chapter 41.40 RCW shall have full power to invest or reinvest the funds of this system in those classes of investments authorized by ((REW 41:40:071 as now or hereafter amended)) sections 12 and 16 of this 1973 amendatory act.

(4) For the purpose of providing amounts to be used to defray the cost of administration and investment, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium.

Sec. 2. Section 7, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.070 are each amended to read as follows:

A fund is hereby created and established in the state treasury to be known as the Washington law enforcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this chapter and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by ((REW 41:40:071 as now or hereafter amended)) sections 12 and 16

of this 1973 amendatory act: PROVIDED, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale, or exchange of any investment that it has authorized pursuant to its statutory authority.

(1) The state treasurer shall be the custodian of all funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(2) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him and placed to the credit of the retirement fund or the retirement system expense fund.

(3) Into the retirement system fund shall be paid all moneys received by the retirement board, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board.

(4) There is hereby utilized for the purposes of this chapter, the retirement system expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement system expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall

be made on a percentage rate of salary established by the board: PROVIDED, That the retirement board may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

(8) RCW 41.26.060, 41.26.070 and 41.26.085 shall take effect commencing on January 1, 1972.

Sec. 3. Section 2, chapter 297, Laws of 1961 and RCW 41.32.201 are each amended to read as follows:

Any investments under ((REW 41.32.200)) section 12 of this 1973 amendatory act shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Sec. 4. Section 3, chapter 297, Laws of 1961 and RCW 41.32.202 are each amended to read as follows:

All securities purchased or held on behalf of funds, pursuant to ((REW 41.32.200)) section 12 and section 15 of this 1973 amendatory act, held or disbursed through the state treasury shall be in the physical custody of the state treasurer who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof.

Sec. 5. Section 3, chapter 104, Laws of 1965 ex. sess. and RCW 43.84.031 are each amended to read as follows:

Subject to the limitation of authority delegated by RCW ((43.84.044)) 43.84.031 through 43.84.061 and section 12 of this 1973 amendatory act, the state finance committee may by unanimous approval adopt procedural policies governing the management of said permanent trust funds((: PROVIDED; That all such bonds; notes or other obligations shall be purchased at the current market price and no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged)).

Sec. 6. Section 51.44.100, chapter 23, Laws of 1961 as last amended by section 2, chapter 92, Laws of 1972 ex. sess. and RCW 51.44.100 are each amended to read as follows:

Whenever, in the judgment of the state finance committee, there shall be in the accident fund, medical aid fund, or in the

reserve fund, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest and reinvest such excess funds in ((national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the state employees' retirement funds. The committee may, in addition, invest such excess funds in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction)) the manner prescribed by section 12 of this 1973 amendatory act, and not otherwise.

The state finance committee may ((from time to time inquire of savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act of the amount of loans each has outstanding to Washington state residents for the specific purpose of pursuing vocational training or retraining or reeducation. Upon such notification the state finance committee may, in addition to other investments authorized by this section,)) give consideration to the investment of excess funds in federally insured student loans made to persons in vocational training or retraining or reeducation programs. The state finance committee may make such investments by purchasing from savings and loan associations, commercial banks, mutual savings banks, credit unions and other institutions authorized to be lenders under the federally insured student loan act, organized under federal or state law and operating in this state loans made by such institutions to residents of the state of Washington particularly for the purpose of vocational training or reeducation: PROVIDED, That the state finance committee shall purchase only that portion of any loan which is guaranteed or insured by the United States of America, or by any agency or instrumentality of the United States of America: PROVIDED FURTHER, That the state finance committee is authorized to enter into contracts with such savings and loan associations, commercial banks, mutual savings banks, credit unions, and other institutions authorized to be lenders under the federally insured student loan act to service loans purchased pursuant to this section at an agreed upon contract price.

NEW SECTION. Sec. 7. There is hereby created the investment advisory committee to consist of seven members to be appointed as hereinafter provided:

- (1) One person shall be appointed annually by the Washington

public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) Four persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) One member of the public pension commission or its successor who shall be one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060.

NEW SECTION. Sec. 8. No member of the investment advisory committee shall be liable for the negligence, default, or failure of any other person or other member of the committee to perform the duties of his office and no member of the committee shall be considered or held to be an insurer of the funds or assets of any retirement system nor shall any member be liable for actions performed with the exercise of reasonable diligence within the scope of his duly authorized activities as a member of the committee.

NEW SECTION. Sec. 9. In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices and procedures to the board of the Washington public

employees' retirement system as constituted under RCW 41.40.030 and 41.26.050 and to the board of trustees of the Washington state teachers' retirement system, regarding those retirement funds for which they are designated trustees.

(2) Make recommendations as to general investment policies, practices and procedures regarding all other investment funds to the state finance committee.

Such boards of trustees and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee.

NEW SECTION. Sec. 10. The investment advisory committee, in addition to its other duties, shall review the investment transactions of the state finance committee four times each year and at such additional times as it determines.

The investment advisory committee shall prepare a written report of its activities during each quarter. Each report shall be submitted not more than thirty days after the end of the quarter to the state finance committee, each of the retirement systems, the public pension commission or its successor, the governor, and to any other person who has personally submitted a written request therefor.

NEW SECTION. Sec. 11. All accounts, files, and other records of the state finance committee and of each of the retirement systems are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the investment advisory committee as the investment advisory committee deems necessary or appropriate.

NEW SECTION. Sec. 12. Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of

congress of July 17, 1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations hereinafter provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section. The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture and convertible

preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state finance committee to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds.

NEW SECTION. Sec. 13. Investment counseling fees established

by contract shall be payable from the investment earnings derived from those assets being managed by investment counsel.

NEW SECTION. Sec. 14. Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state finance committee shall have full power to invest or reinvest such funds in the manner prescribed by section 12 of this 1973 amendatory act, and not otherwise.

NEW SECTION. Sec. 15. There is added to chapter 41.32 RCW a new section to read as follows:

The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the manner prescribed by section 12 of this 1973 amendatory act, and not otherwise.

NEW SECTION. Sec. 16. There is added to chapter 41.40 RCW a new section to read as follows:

The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the manner prescribed by section 12 of this 1973 amendatory act, and not otherwise: PROVIDED, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale or exchange of any investment that it has authorized pursuant to its statutory authority.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 20, chapter 80, Laws of 1947, section 6, chapter 274, Laws of 1955, section 1, chapter 297, Laws of 1961, section 3, chapter 14, Laws of 1963 ex. sess., section 2, chapter 81, Laws of 1965 ex. sess., section 6, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.200;

(2) Section 8, chapter 155, Laws of 1965, section 3, chapter 128, Laws of 1969 and RCW 41.40.071; and

(3) Section 1, chapter 104, Laws of 1965 ex. sess., section 1, chapter 2, Laws of 1967 ex. sess. and RCW 43.84.011.

NEW SECTION. Sec. 18. Sections 6 through 11 of this 1973 amendatory act are hereby added to chapter 43.33 RCW.

NEW SECTION. Sec. 19. Sections 12 through 14 of this 1973 amendatory act are each hereby added to chapter 43.84 RCW.

NEW SECTION. Sec. 20. If any provision of this 1973 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. 21. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 12, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 104

[House Bill No. 418]

BANKS AND TRUST COMPANIES--

POWERS AND DUTIES

AN ACT Relating to banks and trust companies; amending section 30.04.12C, chapter 33, Laws of 1955 and RCW 30.04.120; amending section 30.04.210, chapter 33, Laws of 1955 and RCW 30.04.210; amending section 30.08.010, chapter 33, Laws of 1955 as amended by section 3, chapter 136, Laws of 1969 and RCW 30.08.010; amending section 30.08.020, chapter 33, Laws of 1955 as last amended by section 1, chapter 118, Laws of 1959 and RCW 30.08.020; amending section 30.08.030, chapter 33, Laws of 1955 and RCW 30.08.030; amending section 30.08.040, chapter 33, Laws of 1955 and RCW 30.08.040; amending section 30.08.060, chapter 33, Laws of 1955 and RCW 30.08.060; amending section 30.08.095, chapter 33, Laws of 1955 as amended by section 4, chapter 136, Laws of 1969 and RCW 30.08.095; and adding new sections to chapter 33, Laws of 1955 and to chapter 30.04 RCW.

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

Section 1. Section 30.04.120, chapter 33, Laws of 1955 and RCW 30.04.120 are each amended to read as follows:

The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or

acquisition. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: PROVIDED, That any such bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition((; nor be the purchaser or holder of any such shares; unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stock so purchased or acquired shall be sold at public or private sale; or otherwise disposed of; within six months from the time of its purchase or acquisition)). Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation.

Sec. 2. Section 30.04.210, chapter 33, Laws of 1955 and RCW 30.04.210 are each amended to read as follows:

A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: PROVIDED, That ((as to)) any ((corporation hereafter organized not to exceed thirty percent of its capital and surplus and undivided profits may be so invested: AND PROVIDED FURTHER; any bank or trust company heretofore organized shall not hereafter invest in the aggregate to exceed thirty percent of its capital; surplus and undivided profits in a bank building)) bank or trust company shall not invest for such purposes more than the greater of: (a) Thirty percent of its capital, surplus, and undivided profits; or (b) one hundred percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate specified in subdivision (4) shall be considered an asset of the ((corporation)) bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the ((corporation's)) bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

Sec. 3. Section 30.08.010, chapter 33, Laws of 1955 as amended by section 3, chapter 136, Laws of 1969 and RCW 30.08.010 are each amended to read as follows:

When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it have a paid-in capital as follows:

- In cities, villages or communities having a population of less than 25,000..... \$ 50,000.00
- In cities having a population of 25,000 and less than 100,000..... 100,000.00
- In cities having a population of 100,000 or more..... 200,000.00

PROVIDED, That on request of any persons desiring to incorporate a bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an additional amount equal to at least ten percent of the capital stock above required. Such additional amount shall be carried in the undivided

profit account and may be used to defray organization and operating expenses of the company deemed reasonable by the supervisor. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.

Sec. 4. Section 30.08.02C, chapter 33, Laws of 1955 as last amended by section 1, chapter 118, Laws of 1959 and RCW 30.08.020 are each amended to read as follows:

Persons desiring to incorporate a bank or trust company shall ~~((execute))~~ file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation ~~((in quadruplicate))~~, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.
- (4) The amount of its capital stock, which shall be divided into shares of not less than ten dollars each, nor more than one hundred dollars each, as may be provided in the articles of incorporation.
- (5) The period for which such corporation is organized, which may be for a stated number of years or perpetual.
- (6) The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.
- (7) That for a stated number of years, which shall be not less than ten nor more than twenty years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be affirmatively voted for any proposal which would have the effect of sale, conversion, merger, or consolidation to or with, any other banking entity or affiliated financial interest, whether through transfer of stock ownership, sale of assets, or otherwise, (b) the corporation shall take no action to consummate any sale, conversion, merger, or consolidation in violation of this subdivision, (c) this provision of the articles shall not be revoked, altered, or amended by the shareholders without the prior written approval of the supervisor, and (d) all stock issued by the corporation shall be subject to this subdivision and a copy hereof shall be placed upon all certificates of stock issued by the corporation.

((Such articles shall be acknowledged before an officer

authorized to take acknowledgments:))

Sec. 5. Section 30.08.030, chapter 33, Laws of 1955 and RCW 30.08.030 are each amended to read as follows:

When the notice of intention to organize and proposed articles of incorporation complying with the foregoing requirements have been received by the supervisor, together with the fees required by law, he shall ascertain from the best source of information at his command and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the business of the proposed bank or trust company will be honestly and efficiently conducted in accordance with the intent and purpose of this title, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed bank and whether the proposed bank or trust company is being formed for other than the legitimate objects covered by this title.

Sec. 6. Section 30.08.040, chapter 33, Laws of 1955 and RCW 30.08.040 are each amended to read as follows:

After the supervisor shall have satisfied himself of the above facts, and, within ~~((sixty))~~ six months of the date the notice of intention to organize has been received in his office, he shall notify the incorporators to file executed and acknowledged articles of incorporation with him in quadruplicate. Unless the supervisor otherwise consents in writing, such articles shall be in the same form and shall contain the same information as the proposed articles and shall be filed with him within ten days of such notice. Within thirty days after the receipt of such articles of incorporation ((for examination)), he shall endorse upon each of the quadruplicates thereof, over his official signature, the word "approved," or the word "refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the quadruplicates, so endorsed, together with a statement explaining the reason for refusal to the person from whom the articles were received, which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice of refusal, shall ~~((appeal to the superior court of Thurston county, which appeal shall be triable de novo in said court: PROVIDED; That a copy, certified by the supervisor, of all documents and papers relating to such application filed with, received or obtained by the supervisor and/or the division of banking shall be deemed received, admitted and considered as evidence by the court in such trial de novo in said court))~~ request a hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Sec. 7. Section 30.08.060, chapter 33, Laws of 1955 and RCW

30.08.060 are each amended to read as follows:

Before any bank or trust company shall be authorized to do business, (~~the supervisor shall be satisfied~~) and within ninety days after approval of the articles of incorporation, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount fixed by its articles of incorporation and by this title, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. (~~When so satisfied and within ninety days after the date upon which such proposed articles of incorporation were filed with him for examination, but in no case after the expiration of that period;~~) If so satisfied, and within thirty days after receipt of such proof, the supervisor shall issue under his hand and official seal, in quadruplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation the business of a bank or trust company, or both, as the case may be; PROVIDED, HOWEVER, That the supervisor may make his issuance of the certificate conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the quadruplicate certificates shall be transmitted by the supervisor to the corporation and the other three shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded; PROVIDED, HOWEVER, That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied.

Sec. 8. Section 30.08.095, chapter 33, Laws of 1955 as amended by section 4, chapter 136, Laws of 1969 and RCW 30.08.095 are each amended to read as follows:

The supervisor shall collect in advance fees for the following services:

For filing application for certificate of authority and attendant investigation as outlined in the law;

For filing application for certificate conferring trust powers upon a state or national bank;

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office;

For filing merger agreement and attendant investigation;

For filing application to relocate main office or branch and attendant investigation;

For issuing a certificate of increase or decrease of capital stock;

For issuing each certificate of authority;

For furnishing copies of papers filed in his office, per page.

The supervisor shall establish the amount of the fee for each of the above transactions, and for other services rendered by the division of banking by rules and regulations promulgated pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Every bank or trust company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations.

NEW SECTION. Sec. 9. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows:

Any bank or trust company which is a member of the Federal Reserve System, may invest an amount not exceeding 10 per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions.

NEW SECTION. Sec. 10. There is added to chapter 33, Laws of 1955 and to chapter 30.04 RCW a new section to read as follows:

Any bank or trust company which is a member of the Federal Reserve System, may acquire and hold, directly or indirectly, stock or other evidence of indebtedness of ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States.

Passed the House April 13, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 105
[House Bill No. 476]
CERTIFICATED SCHOOL EMPLOYEES--
DEFINITION

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.01 RCW.

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

NEW SECTION. Section 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.01 RCW a new section to read as follows:

The term "certificated employee" as used in RCW 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, and 28A.67.074, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction.

Passed the House April 13, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 106
[Substitute House Bill No. 674]
HEARING AID DISPENSERS--LICENSING--
COUNCIL ON HEARING AIDS

AN ACT Relating to hearing aids; providing for the licensing of persons who fit and dispense hearing aids; creating a new chapter in Title 18 RCW; and providing penalties.

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

NEW SECTION. Section 1. As used in this chapter, unless the context requires otherwise:

- (1) "Department" means the department of motor vehicles.
- (2) "Council" means the council on hearing aids.
- (3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords and ear molds.
- (4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the

use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes.

NEW SECTION. Sec. 2. No person shall engage in the fitting and dispensing of hearing aids unless he holds a valid license issued by the department as provided in this chapter.

NEW SECTION. Sec. 3. Any person who engages in the fitting and dispensing of hearing aids shall deliver to each person supplied with or sold a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his license, together with a description of the hearing aid furnished, including the term "used" or "reconditioned" if applicable, amount charged therefor, and terms of sale.

NEW SECTION. Sec. 4. An applicant for license shall be at least eighteen years of age, shall pay a fee of sixty dollars, and shall show to the satisfaction of the department that he is free of any infectious or contagious disease which would involve undue risk to the public. An applicant shall not be issued a license under the provisions of this chapter unless he:

(1) Satisfactorily completes the examination required by this chapter; or

(2) Has been engaged in the fitting and dispensing of hearing aids in the state of Washington for a period of six months immediately prior to the effective date of this act: PROVIDED, That any person receiving a license under this section shall be required to complete and pass the examination by the date on which the names of those persons who have passed the third examination subsequent to the effective date of this act are disclosed by the department; or

(3) Holds a current, unsuspended, unrevoked license or certificate from a state or jurisdiction with whom the department has entered into a reciprocal agreement.

NEW SECTION. Sec. 5. Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written and practical tests. The department shall give an examination during the second full week in January and during the third full week in July each year.

NEW SECTION. Sec. 6. (1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:

(a) He is at least eighteen years of age;

(b) He is free of any infectious or contagious disease;

(c) If issued a trainee license, he would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed under this chapter in a capacity other than

trainee; and

(d) He has paid an application fee of twenty-five dollars to the department.

The provisions of sections 3 and 11 through 13 of this act shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and an acknowledgment executed by such person that he is responsible for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if he is under the direction and supervision of a person licensed under this chapter in a capacity other than trainee.

(4) The trainee license shall expire one year from the date of its issuance except that at the discretion of the department on recommendation of the council the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than three trainees at any one time, unless approved in writing by the department.

NEW SECTION. Sec. 7. The examination provided in section 5 of this act shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) Structure and function of hearing aids.

(2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Effective masking;

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy;

(e) Selection and adaptation of hearing aids and testing of hearing aids; and

(f) Taking ear mold impressions.

(3) Evidence of knowledge regarding the medical and

rehabilitation facilities for children and adults that are available in the area served.

(4) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter.

(5) Any other tests as the department may by rule establish.

NEW SECTION. Sec. 8. The department shall license each applicant, without discrimination, who satisfactorily completes the required examination and, upon payment of one hundred twenty-five dollars to the department, shall issue to the applicant a license. The license shall be effective until December 31st of the year in which it is issued.

NEW SECTION. Sec. 9. Each person who engages in the fitting and dispensing of hearing aids shall annually, on or before January 1st, pay to the department a fee of one hundred twenty-five dollars for a renewal of his license and shall keep such license conspicuously posted at his business address at all times. A thirty-day grace period shall be allowed after January 1st, during which licenses may be renewed on payment of a fee of one hundred fifty dollars to the department. The department may suspend the license of any person who fails to renew his license before the expiration of the thirty-day grace period.

NEW SECTION. Sec. 10. (1) A person who holds a license shall notify the department in writing of the regular address of the place or places in the state of Washington where he engages or intends to engage in the fitting and dispensing of hearing aids and of any change thereof within thirty days of such change. Failure to notify the department in writing shall be grounds for suspension or revocation of license.

(2) The department shall keep a record of the places of business of persons who hold licenses.

(3) Any notice required to be given by the department to a person who holds a license may be given by mailing it to him at the address of the last place of business of which he has notified the department, except that notice to a licensee of proceedings to deny, suspend, or revoke the license shall be by certified or registered mail or by means authorized for service of process.

NEW SECTION. Sec. 11. Any person licensed under this chapter may have his license suspended for a fixed period or be placed on probation by the department for any of the following causes:

(1) The licensee, in the application for the license, or in any written or oral communication to the department concerning the issuance or retention of the license, has made any material misstatement of fact, or has omitted to disclose any material fact necessary to make that which is stated not misleading.

(2) For unethical conduct, or for gross incompetence in

dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter;

(c) Failing or refusing to honor or to perform as represented any representation, promise, agreement or warranty in connection with the promotion, dispensing or fitting of the hearing aid;

(d) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(e) (i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that he should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days.

(D) Acute or chronic dizziness;

(E) Unilateral hearing loss of sudden or recent onset within ninety days;

(F) Significant air-bone gap (when generally acceptable standards have been established);

(G) Any other conditions that the department may by rule establish: PROVIDED, That it shall be a violation of this subsection for any licensee or his employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid: AND PROVIDED FURTHER, That no such referral for medical opinion need be made by any licensee in the instance of

replacement only of a hearing aid which has been lost or damaged beyond repair within one year of the date of purchase: AND PROVIDED FURTHER, That nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by a clinical audiologist for his recommendations during the previous six months, without first advising such person or his parents or guardian in writing that he should first consult a clinical audiologist;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor", "clinic", or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate; or

(g) Permitting another to use his license.

(3) Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving undue risk to the public.

(4) Dealing in hearing aids under a false, misleading, or deceptive name.

(5) For any violation of the provisions of this chapter.

(6) Failure to properly and reasonably accept responsibility for the actions of his employees.

(7) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 as now or hereafter amended.

NEW SECTION. Sec. 12. A license may also be revoked for any of the grounds provided in section 11 of this act when the department finds revocation is necessary to protect members of the public.

NEW SECTION. Sec. 13. (1) Where the department proposes to

refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded pursuant to the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 14. The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:

(1) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids, as reasonably required within the discretion of the department.

(4) To establish by rule such minimum standards of equipment and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest.

(5) To adopt in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW, such rules and regulations not inconsistent with the laws of this state and the provisions of this chapter which are necessary to carry out the provisions of this chapter including but not limited to interpretation of the provisions of this chapter.

NEW SECTION. Sec. 15. (1) There is created hereby the council on hearing aids. The council shall consist of seven members to be appointed by the governor.

(2) Members of the council shall be residents of this state. Four members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter. One member shall be a medical doctor specializing in otolaryngology. One member shall be a clinical audiologist. One member shall represent the public.

(3) The term of office of a member is three years, except that on the first council three members shall serve for two years and four members shall serve for three years. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the governor shall appoint a successor to assume his duties at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chairman of the council shall be elected from the membership of the council at the beginning of each year.

(5) The council shall meet at least once each year, at a place, day and hour determined by the council, unless otherwise

directed by a majority of council members. The council shall also meet at such other times and places as are requested by the department or by three members of the council.

(6) Members of the council shall not be compensated for their services, but shall be reimbursed for their traveling expenses and receive a per diem in the manner provided for state employees under chapter 43.03 RCW.

NEW SECTION. Sec. 16. (1) The council shall have the responsibility and duty of advising the department in matters relating to this chapter, subject to approval by the department shall prepare the examination required by this chapter, and shall assist the department in carrying out the provisions of this chapter.

(2) The department shall consider and be guided by the recommendations of the council pursuant to this section and in all matters of policy relating to this chapter.

(3) The council whenever possible shall recommend that the department enter into reciprocity of licensure agreements with those states having licensure requirements equivalent to or higher than those provided herein.

(4) The council shall have the responsibility and duty of advising the department and preparing specific recommendations concerning the minimum standards of equipment and procedures in the fitting and dispensing of hearing aids.

NEW SECTION. Sec. 17. A member of the council on hearing aids shall not be permitted to take the examination provided under this chapter unless he has first satisfied the department that adequate precautions have been taken to assure that he does not and will not have any knowledge, not available to the members of the public at large, as to the contents of the examination.

NEW SECTION. Sec. 18. Acts and practices in the course of trade in the promoting, advertising, selling, fitting and dispensing of hearing aids shall be subject to the provisions of chapter 19.86 RCW (Consumer Protection Act) and RCW 9.04.050 (False Advertising Act) and any violation of the provisions of this chapter shall constitute violation of RCW 19.86.020.

NEW SECTION. Sec. 19. (1) In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed hereunder, or by any assignee or transferee thereof, arising out of the business of fitting and dispensing of hearing aids, it shall be necessary to allege and prove that the licensee at the time of the transaction held a valid license as required by this chapter, and that such license has not been suspended or revoked pursuant to sections 11 and 12 of this act.

(2) Any person who shall engage in the fitting and dispensing of hearing aids without having obtained a license or who shall

wilfully and intentionally violate any of the provisions of this chapter shall be guilty of a gross misdemeanor.

(3) In addition to any other rights and remedies he may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the seller's breach if:

(a) The purchaser for whatever reason consults a licensed physician subsequent to purchasing the hearing aid, and

(b) Such licensed physician advises such purchaser against purchasing or using a hearing aid and in writing specifies the medical reasons for such advice; and

(c) The purchaser returns the hearing aid or holds it at the seller's disposal: PROVIDED, That the hearing aid is in its original condition less normal wear and tear;

(d) By sending notice of such cancellation to the licensee at his place of business by certified mail, return receipt requested, which shall be posted not later than thirty days following the date of purchase: PROVIDED, That in the event of cancellation pursuant to this subsection the licensee shall, without request, refund to the purchaser within ten days after such cancellation of all deposits, including any down payment less ten percent of the total purchase price and less the reasonable price of ear molds, if any, and shall return all goods traded in to the licensee on account or in contemplation of the sale less any reasonable costs actually incurred in making ready for sale, goods so traded in: AND PROVIDED FURTHER, That the buyer shall incur no additional liability for such cancellation.

(4) Nothing in this chapter shall be construed to pertain in any manner to the testing of human hearing for the purpose of determining the nature, loss, cause or function of hearing and not for the purpose of fitting and dispensing hearing aids.

NEW SECTION. Sec. 20. The provisions of this chapter shall not exclude the application of any other law to persons or circumstances covered under this chapter.

NEW SECTION. Sec. 21. 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 provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 20 of this act shall constitute a new chapter in Title 18 RCW.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 107
[House Bill No. 721]
INSURANCE--HEARINGS, APPEALS
PROCEDURE

AN ACT Relating to insurance; amending section .17.33, chapter 79, Laws of 1947, as amended by section 28, chapter 303, Laws of 1955, and RCW 48.17.330; amending section .17.54, chapter 79, Laws of 1947 as amended by section 24, chapter 150, Laws of 1967 and RCW 48.17.540; amending section .31.01, chapter 79, Laws of 1947 as amended by section 11, chapter 194, Laws of 1961 and RCW 48.31.010; repealing section .04.04, chapter 79, Laws of 1947, section 17, chapter 237, Laws of 1967 and RCW 48.04.040; and repealing section .04.09, chapter 79, Laws of 1947, section 18, chapter 237, Laws of 1967 and RCW 48.04.090.

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

Section 1. Section .17.33, chapter 79, Laws of 1947, as amended by section 28, chapter 303, Laws of 1955 and RCW 48.17.330 are each amended to read as follows:

(1) The commissioner may license as ((a life and/or disability insurance)) an agent ((only)) or as a broker, a person who is otherwise qualified therefor under this code but who is not a resident of or domiciled in this state, if by the laws of the state or province of his residence or domicile a similar privilege is extended to residents of or corporations domiciled in this state.

(2) Any such licensee shall be subject to the same obligations and limitations, and to the commissioner's supervision as though resident or domiciled in this state, subject to RCW 48.14.040.

(3) No such person shall be so licensed unless he files the power of attorney provided for in RCW 48.17.340, and, if a corporation, it must have complied with the laws of this state governing the admission of foreign corporations.

Sec. 2. Section .17.54, chapter 79, Laws of 1947 as amended by section 24, chapter 150, Laws of 1967 and RCW 48.17.540 are each amended to read as follows:

(1) The commissioner shall revoke or refuse to renew any such license immediately and without hearing, upon conviction of the licensee of a felony by final judgment of any court of competent jurisdiction.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By order given to the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) by an order on hearing made as provided in RCW

((48-04-699)) 34.04.120 effective ((as of)) not less than ten days after date of the giving of the order, subject to the right of the licensee to appeal to the superior court ((for Thurston county as provided in chapter 48-04)).

Sec. 3. Section .31.01, chapter 79, Laws of 1947 as amended by section 11, chapter 194, Laws of 1961 and RCW 48.31.010 are each amended to read as follows:

(1) Subject to the provisions of RCW 48.08.080, relating to the mutualization of stock insurers, RCW 48.09.350, relating to the conversion or reinsurance of mutual insurers, and RCW 48.10.330, relating to the consolidation or conversion of reciprocal insurers, a domestic insurer may merge or consolidate with another insurer, subject to the following conditions:

(a) The plan of merger or consolidation must be submitted to and be approved by the commissioner in advance of the merger or consolidation.

(b) The commissioner shall not approve any such plan unless, after a hearing, pursuant to such notice as the commissioner may require, he finds that it is fair, equitable, consistent with law, and that no reasonable objection exists. If the commissioner fails to approve the plan, he shall state his reasons for such failure in his order made on such hearing. The insurers involved in the merger shall bear the expense of the mailing of the notice of hearing and of the order on hearing.

(c) No director, officer, member, or subscriber of any such insurer, except as is expressly provided by the plan of merger or consolidation, shall receive any fee, commission, other compensation or valuable consideration whatsoever, for in any manner aiding, promoting or assisting in the merger or consolidation.

(d) Any merger or consolidation as to an incorporated domestic insurer shall in other respects be governed by the general laws of this state relating to business corporations. Except, that as to domestic mutual insurers, approval by two-thirds of its members who vote thereon pursuant to such notice and procedure as was approved by the commissioner shall constitute approval of the merger or consolidation as respects the insurer's members.

(2) Reinsurance of all or substantially all of the insurance in force of a domestic insurer by another insurer shall be deemed a consolidation for the purposes of this section.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section .04.04, chapter 79, Laws of 1947, section 17, chapter 237, Laws of 1967 and RCW 48.04.040; and

(2) Section .04.09, chapter 79, Laws of 1947, section 18, chapter 237, Laws of 1967 and RCW 48.04.090.

NEW SECTION. Sec. 5. If any provision of this 1973 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 April 14, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 108
[House Bill No. 731]
NURSING HOMES--PSYCHIATRIC
CARE AUTHORIZED

AN ACT Relating to nursing homes; and amending section 2, chapter 117, Laws of 1951 as amended by section 1, chapter 160, Laws of 1953 and RCW 18.51.010.

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

Section 1. Section 2, chapter 117, Laws of 1951 as amended by section 1, chapter 160, Laws of 1953 and RCW 18.51.010 are each amended to read as follows:

(1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons ((if they do not require psychiatric treatment by or under the supervision of a physician who devotes all or a major portion of his time to this specialized field of medicine)). Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or

supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560, 71.12.570, and 71.12.580.

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

(3) (~~"Director"~~) "Secretary" means the (~~state director of health~~) secretary of the department of social and health services.

(4) "Board" means the state board of health.

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

(6) "Approved health department" means any city, county, city-county or district health department which holds a certificate of approval under this chapter.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 109
[House Bill No. 769]
DEPARTMENT OF SOCIAL AND HEALTH
SERVICES--SPOKANE PROPERTY
SALE AUTHORITY

AN ACT Relating to the department of social and health services; and adding new sections to chapter 43.20A RCW.

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

NEW SECTION. Section 1. There is added to chapter 43.20A RCW a new section to read as follows:

The secretary of the department of social and health services is authorized to sell such lands as hereinafter in this section described no longer needed by the department: Real property situated in the County of Spokane, State of Washington, to wit:

Beginning at the north quarter (N. 1/4) corner of section 19, township 24 north, range 41 E.W.M.; thence south 5° 49' West a distance of 2515.8 feet to the well.

Starting at the location of the well described above; thence due West a distance of 104 feet to the point of beginning of the well site.

Beginning at the point of beginning of the well site above described; thence running due north a distance of 104.7 feet; thence due east a distance of 208 feet; thence due south a distance of 209.4 feet; thence due west a distance of 208 feet; thence due north a distance of 104.7 feet to the point of beginning and containing one acre, more or less, all lying in the northwest quarter (N.W. 1/4) of section 19, township 24 north, range 41 E.W.M.

Before any sale under the provisions of this 1973 act shall be made the property shall be appraised by two independent competent real estate appraisers. Any sale pursuant to the provisions of this 1973 act shall be made to the best bidder for a price not less than the appraised value of said property and pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale in one issue of a newspaper printed and published in the county in which the property is located: PROVIDED, HOWEVER, That before such bidding is entertained notice shall be given to the owners of lands adjoining this real property and such owners shall have a right of first refusal to purchase at the appraised price all or any part of the real property which adjoins or is adjacent to their land, pursuant to the procedures for notice and sale under RCW 87.03.820.

The proceeds of the sale of said property shall be transmitted by the secretary to the state treasurer.

NEW SECTION. Sec. 2. There is added to chapter 43.20A RCW a new section to read as follows:

The disposition of property pursuant to section 1 of this 1973 act shall in all respects be subject to the supervision of the governor.

Passed the House March 30, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 110
[House Bill No. 933]
CANADIAN PHYSICIANS--POINT ROBERTS
PRACTICE PERMITTED

AN ACT Relating to physicians and surgeons in emergency situations; amending section 19, chapter 192, Laws of 1909 as last amended by section 4, chapter 284, Laws of 1961 and RCW 18.71.030; and

adding a new section to chapter 18.71 RCW.

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

Section 1. Section 19, chapter 192, Laws of 1909 as last amended by section 4, chapter 284, Laws of 1961 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this chapter apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any person serving a period of training, not exceeding three years, in any hospital licensed under chapter 70.41; nor to any person serving a period of training at the University of Washington school of medicine; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this chapter prevent a physician licensed to practice medicine and surgery in Canada or any province or territory thereof from practicing medicine in any part of this state which shares a common border with Canada and which is surrounded on three sides by water; nor shall this chapter apply to any practitioner from any other state or territory in which he resides: PROVIDED, That such practitioner shall not open an office or appoint a place of meeting patients or receive calls within the limits of this state. This chapter shall not be construed to apply in any manner to the practice of osteopathy or to any drugless method of treating the sick or afflicted, or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor to any person now holding a license for any system of drugless practice issued pursuant to chapter 18.36; nor to any person licensed under any law to practice any of the other healing arts if such practice is by the methods and means permitted by his license.

NEW SECTION. Sec. 2. There is added to chapter 18.71 RCW a new section to read as follows:

A right to practice medicine and surgery by a Canadian physician in this state pursuant to section 1 of this 1973 amendatory act shall be revocable by order of the director of the department of motor vehicles upon a finding by the director of an act of unprofessional conduct as defined in RCW 18.72.030. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapter 18.72 RCW.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 111
[Substitute House Bill No. 1034]
VOTER REGISTRATION LISTS--
PUBLIC AVAILABILITY

AN ACT Relating to elections, voting, and voter registration; adding new sections to chapter 29.04 RCW; amending section 6, chapter 156, Laws of 1965 ex. sess. as amended by section 3, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.100; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 29.04 RCW a new section to read as follows:

For purposes of sections 2 through 4 of this 1973 amendatory act, the following words shall have the following meanings:

(1) "County auditor" means the county auditor in any noncharter county and in a charter county that county official having the overall responsibility to maintain voter registration information.

(2) "Person" means an individual, partnership, joint venture, public or private corporation, association, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(3) "Political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue; "political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

Sec. 2. Section 6, chapter 156, Laws of 1965 ex. sess. as amended by section 3, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current precinct lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish copies of any poll books or current precinct list of registered voters in his possession, at ((a uniform)) actual reproduction cost, to any ((registered voter in the state of Washington)) person requesting such copies: PROVIDED, That such lists and books shall ((be used only for political purposes and shall not be used for commercial purposes. Any person who violates any provision of this 1974

amendatory act relating to the use of lists of registered voters shall be guilty of a felony and shall be punished by imprisonment for not more than five years or fine of not more than five thousand dollars, or by both such fine and imprisonment) not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and books may be used for any political purpose.

NEW SECTION. Sec. 3. There is added to chapter 29.04 RCW a new section to read as follows:

A reproduction of any form of data storage, in the custody of the county auditor, for poll books and precinct lists of registered voters, including magnetic tapes or discs, punched cards, and any other form of storage of such books and lists, shall at the written request of any person be furnished to him by the county auditor pursuant to such reasonable rules and regulations as the county auditor may prescribe, and at a cost equal to the county's actual cost in reproducing such form of data storage. Any data contained in a form of storage furnished under this section shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such data may be used for any political purpose. Whenever the county auditor furnishes any form of data storage under this section, he shall also furnish the person receiving the same with a copy of section 4 of this 1973 amendatory act.

NEW SECTION. Sec. 4. There is added to chapter 29.04 RCW a new section to read as follows:

(1) Any person who uses registered voter data furnished under section 2 or 3 of this 1973 amendatory act for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be liable to each person provided such advertisement or solicitation, without his consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to his residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless he is liable under subsection (2). For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed

to constitute one item. Merely having a mailbox or other receptacle for mail on or near his residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under section 2 or 3 of this 1973 amendatory act to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Passed the House April 3, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 112

[Substitute House Bill No. 1055]

PERISHABLE PACKAGED FOODS--SHELF

LIFE--PULL DATE

AN ACT Relating to food; adding new sections to chapter 69.04 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. There is added to chapter 69.04 RCW a new section to read as follows:

For the purpose of this 1973 act:

(1) "Perishable packaged food goods" means and includes all foods and beverages, except alcoholic beverages, frozen foods, fresh meat, poultry and fish and a raw agricultural commodity as defined in this chapter, intended for human consumption which are canned, bottled, or packaged other than at the time and point of retail sale, which have a high risk of spoilage within a period of thirty days, and as determined by the director of the department of agriculture by rule and regulation to be perishable.

(2) "Pull date" means the latest date a packaged food product shall be offered for sale to the public.

(3) "Shelf life" means the length of time during which a packaged food product will retain its safe consumption quality if stored under proper temperature conditions.

NEW SECTION. Sec. 2. There is added to chapter 69.04 RCW a new section to read as follows:

All perishable packaged food goods with a projected shelf life of thirty days or less, which are offered for sale to the public after January 1, 1974 shall state on the package the pull date. The pull date must be stated in day, and month and be in a style and format that is readily decipherable by consumers. No perishable packaged food goods shall be offered for sale after the pull date, except as provided in section 3 of this 1973 act.

NEW SECTION. Sec. 3. There is added to chapter 69.04 RCW a new section to read as follows:

No person shall sell, trade or barter any perishable packaged food goods beyond the pull date appearing thereon, nor shall any person rewrap or repackage any packaged perishable food goods with the intention of placing a pull date thereon which is different from the original: PROVIDED, HOWEVER, That those packaged perishable food goods whose pull dates have expired may be sold if they are still wholesome and are without danger to health, and are clearly identified as having passed the pull date.

NEW SECTION. Sec. 4. There is added to chapter 69.04 RCW a new section to read as follows:

The director of the department of agriculture shall by rule and regulation establish uniform standards for pull date labeling, and optimum storage conditions of perishable packaged food goods. In addition to his other duties the director, in consultation with the director of the department of social and health services where appropriate, may promulgate such other rules and regulations as may be necessary to carry out the purposes of this 1973 act.

NEW SECTION. Sec. 5. There is added to chapter 69.04 RCW a new section to read as follows:

Any person convicted of a violation of section 2 or 3 of this 1973 act shall be punishable by a fine not to exceed five hundred dollars.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 113

[House Bill No. 1105]

WATER RIGHTS CLAIMS--

SHORT FORM USE

AN ACT Relating to water rights; amending section 14, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.051; and declaring an emergency.

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

Section 1. Section 14, chapter 284, Laws of 1969 ex. sess. and RCW 90.14.051 are each amended to read as follows:

The statement of claim for each right shall include substantially 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.

Except, however, that any claim for diversion or withdrawal of surface or ground water for those uses described in the exemption from the permit requirements of RCW 90.44.050 may be filed on a short form to be provided by the department. Such short form shall only require inclusion of sufficient data to identify the claimant, source of water, purpose of use and legal description of the land upon which the water is used: PROVIDED, That the provisions of RCW 90.14.081 pertaining to evidentiary value of filed claims shall not apply to claims submitted in short form; AND PROVIDED FURTHER, That claimants for such minimal uses may, at their option, file statements of claim on the standard form used by all other claimants.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 7, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 114

[Engrossed Substitute Senate Bill No. 2105]

CAPITAL BUDGET

AN ACT Adopting the capital budget; making appropriations and authorizing expenditures 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, 1975, out of several funds hereinafter named.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	Reapprop- riations	From the Fund Designated	From the General Fund
(1) Acquire land and buildings, construct, repair and remodel buildings, site improvements, utility relocations, equipment, appointments, and other improvements, remodel and repair legislative offices, committee rooms, and similar facilities, parking facilities, preplanning and design of Executive Office Building and parking facilities, construct Office Building No. 2 with construction of adjacent plaza and			

schematics for
 facilities
 (23,302,000)

General Fund	452,000	
State Building Construction Account		22,850,000
Capitol Building Construction Account	255,000	
State Building Construction Account	300,500	

(2) Remodel and repair
 Capitol Buildings,
 offices and
 facilities (725,000)

General Fund	100,000	
Capitol Building Construction Account		625,000

(3) Develop Capitol Lake
 recreational
 facilities

Outdoor Recreation Account		100,000
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(4) Street repairs north
 of Temple of Justice

Capitol Building Construction Account		75,000
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(5) Acquisition,
 development and
 improvement of lands,
 improvements and
 facilities within
 the East
 Capitol Site

Capitol Purchase and Development Account	550,000	
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(6) Repairs and
 improvements to
 Capitol Lake Area

(30,000)		
Capitol Building		
Construction		
Account	15,000	15,000
(7) Review, update		
and revise the Capitol		
campus master plan		
Capitol Building		
Construction		
Account		100,000
(8) Miscellaneous		
remodeling of		
State Capitol		
Museum building		
to insure compliance		
with applicable codes		
Capitol Building		
Construction		
Account		50,000
(9) Remodel and repair		
of elective		
officials offices		
Capitol Building		
Construction		
Account		100,000
(10) Preplanning to improve		
Capitol Lake		
Capitol Building		
Construction		
Account	48,000	
(11) Purchase Thurston		
County Courthouse		
under East Campus		
development plan		
State Building		
Construction		
Account		2,000,000
(12) Remodel, repair		
and improve legislative		
building; remodel and		
expand other legislative		
facilities including		
related costs of leased		
space and moving		
State Building		

Construction			
Account	2,036,000		
<u>NEW SECTION.</u> Sec. 3. FOR THE MILITARY DEPARTMENT			
	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Construct new			
armory-Seattle			
Seattle Armory			
Fund	2,000,000		
(2) Construct, repair,			
remodel buildings			
and improve			
facilities, .			
including architect			
and engineering			
fees (89,168)			
General Fund	50,000		39,168
(3) Preplanning for			
schematic plans			
for projects in			
1975-77 capital			
budgets			
General Fund			11,610
<u>NEW SECTION.</u> Sec. 4. FOR THE DEPARTMENT OF SOCIAL AND			
HEALTH SERVICES			
	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Washington State			
Penitentiary			
(a) Construct locking			
system for wing			
six (50%			
reimburseable)			
General Fund			154,080
(b) Construct and			
equip			
Motor Vehicle			
Building (50%			
reimburseable)			
General Fund			265,050
(2) Washington State			
Reformatory			
(a) Remodel inmates'			
dining room and			
bakery			

General Fund	49,071	
(b) Remodeling costs at the Reformatory to provide a treatment facility for mentally disturbed residents of adult correctional institutions		
General Fund	38,708	
(c) Modernization of residents' (inmates') living areas (50% reimburseable)		
General Fund		521,640
(3) Purdy Treatment Center for Women		
(a) Construct and equip new Womens Correctional Institution (240,072)		
General Fund	218,902	
CEP and RI Account	21,170	
(b) Connect sewer line from institution to new Gig Harbor sewage disposal plant (50% reimburseable)		
General Fund		150,000
(4) Maple Lane School		
Construct and equip treatment security building (1,229)		
State Building and Higher Education Construction		
Account	1,229	
(5) Green Hill School		
Construct and equip		

treatment security
building and
renovate isolation
unit
 General Fund 35,345
(6) Group Homes
Construct and equip
new group homes
 General Fund 143,898
(7) Western State
Hospital
(a) Construct and equip
Pharmacy and Central
Supply building
 CEP and RI
 Account 397,182
(b) Remodel and
equip kitchen
and dining room;
construct
refrigeration
building
 CEP and RI
 Account 328,524
(8) Fircrest School
(a) Construct and equip
activities building
 General Fund 263,801
(b) Replace Redwood
Hall-Phase I
and II (48,475)
 General Fund 40,501
 State Building and
 Higher Education
 Construction
 Account 7,974
(9) Interlake School
Construct covered
outdoor recreation
area to allow
for a program
with emphasis in
improving physical
well-being and
development of

each child
 General Fund 41,000
 (10) Rainier School
 (a) Construct and equip
 Vocational-Training
 building
 State Building
 and Higher
 Education
 Construction
 Account 26,524
 (b) Construct and equip
 Volunteer Services
 building -"Student
 Store"
 General Fund 148,824
 (11) Lakeland Village
 (a) Repair and remodel
 lavatory facilities
 in residential halls
 CEP and RI
 Account 386,860
 (b) Construct and equip
 dietary addition
 CEP and RI
 Account 174,733
 (12) School for
 the Blind
 Remodel and
 renovate kitchen
 to provide
 modern, sanitary
 facility
 General Fund 55,000
 (13) School for
 the Deaf
 (a) Construct covered
 outdoor
 recreational area
 so all students
 can participate in
 outdoor recreation
 program
 General Fund 112,000
 (b) Remodel kitchen

and dining room
to provide a
modern kitchen with
all new equipment;
new chairs and
tables in dining
room

General Fund 382,799

(c) Construct and
equip advanced
classroom building

General Fund 1,076,044

(14) Soldiers' Home
and Colony

Remodel and equip
kitchen, Phase II
to provide modern
kitchen with all
new equipment

(50% reimburseable)

General Fund 342,000

(15) Departmental

(a) Upgrade fire and
safety standards
per recommendations
of state fire
marshal and safety
inspectors (1,348,533)

General Fund 821,533 527,000

(b) Repair or replace
electric, water,
steam and sewer
lines, boilers,
install emergency
generators; reduce
air and water
pollution (2,072,787)

General Fund 1,190,899 713,432

CEP and RI

Account 61,888 106,568

(c) Roof repairs,
parking area
repairs, road
repairs and other
minor repairs to

buildings at various institutions including repairs to meet health inspectors recommendation (2,024,414)

General Fund	541,230	1,483,184
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(d) Preplanning for schematic plans for projects in 1975-77 capital budget (444,587)

General Fund	244,587	200,000
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(e) Preparation of a comprehensive plan for a state-wide system of social and health services facilities

State and Local Improvements Revolving Account	250,000	
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(16) Schools for mentally retarded For capital improvements required to certify all five schools for the retarded as skilled nursing homes so that the state may receive partial reimbursement from the Federal Government under Title XIX of the Social Security Act

General Fund	299,178	
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NEW SECTION. Sec. 5. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	Reappro- priations	From the Fund Designated	From the General Fund
Improvement of existing central office buildings and necessary related costs: PROVIDED, That this appropriation shall be available only to the extent that federal funds under Section 903 of the Federal Social Security Act are made available for this purpose: PROVIDED FURTHER, That this appropriation is made pursuant to and is limited by provisions of section 903-C(2) of the Federal Social Security Act as amended: PROVIDED FURTHER, That any unexpended balance of said federal funds shall be promptly returned to the account of the State of Washington in the Unemployment Compensation Trust Fund as may be required by federal law or regulation Unemployment Compensation Administration			

Fund	470,000		
<u>NEW SECTION.</u> Sec. 6. FOR THE DEPARTMENT OF ECOLOGY			
	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) For construction of ground water observation wells (233,000)			
General Fund	48,000		185,000
(2) Construct sewerage systems and waste disposal facilities in existing state parks including, but not limited to, collector systems, treatment facilities, lift stations, trailer dumps, and lagoons			
State and Local Improvements Revolving Account		1,610,050	
<u>NEW SECTION.</u> Sec. 7. FOR THE STATE PARKS AND RECREATION COMMISSION			
	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Construct, repair and improve park facilities (1,032,353)			
General Fund	825,379		682,333
(2) Purchase and develop park sites, develop boat moorages, renovate facilities, improve parking areas, group camp facilities, historical sites and archeological investigations (13,307,044)			

Outdoor Recreation Account	9,407,044	3,800,000	
(3) Modernization and improvements at various parks State and Local Improvement Revolving Account		2,102,400	
(4) Modernization and Improvement of Rockport state park Outdoor Recreation Account		50,000	
(5) Reimburse Outdoor Recreation Account for over-expenditures of previous biennia involving Peace Arch, Lake Sammamish and Battleground State Parks General Fund			15,026
(6) Purchase of Nalley Site, Parcels A, B, and C, in Mason County, for development of state park as established by the State Parks and Recreation Commission's priority list Outdoor Recreation Account		1,700,000	
<u>NEW SECTION.</u> Sec. 8. FOR THE DEPARTMENT OF FISHERIES			
Reappro-	From the	From the	
priations	Fund Designated	General Fund	

(1) Construct and improve fish farms, rearing ponds, spawning channels, hatcheries, fishways and other fish facilities, purchase land and make emergency repairs to structures

(a) General Fund--

State appropriation

(1,852,825)	324,000	1,528,825
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(b) General Fund--

Federal appropriation

(791,155)	250,000	541,155
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(Federal share of 50% reimburseable projects)

(c) General Fund--

Federal appropriation

(1,135,000)	135,000	1,000,000
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(100% federally reimburseable projects)

(2) Construct Elwha spawning and egg incubation channel or such other facilities as needed to restore Elwha salmon run and it is the intent of the legislature that an amount from private sources equal to state funds be spent on this project

General Fund		375,000
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NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF GAME

	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Purchase and develop land (8,506,870)			
Outdoor Recreation Account	4,256,390	3,450,480	
Game Fund		800,000	
(2) Construct and equip fish and game protection facilities (100% reimburseable)			
Game Fund		1,000,000	
(3) Construct or purchase and improve headquarters buildings, hatcheries, facilities, rearing ponds, game range facilities, and brooder houses and pens			
Game Fund		899,446	
(4) Construct and equip fish and game protective facilities (50% or 75% reimburseable)			
Game Fund		1,777,000	

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Right-of-way acquisitions, construct honor camp bridges and culverts, timber access road construction;			

construct scaling
stations, lookout
towers,
improvements to
fire protective
facilities,
construct and
equip district
headquarters, and
construct wild
life enclosures
(2,612,500)

General Fund	62,000		145,750
Forest Development Account	190,500	234,000	
Resources Management Cost Account	337,500	1,642,750	

(2) Water development,
road construction,
land clearing
and leveling of
agricultural land
and range
improvements
(1,771,832)

Resources Management Cost Account	1,163,000	608,832	
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(3) Acquire and develop
land for
recreational uses,
trails, scenic
roads, shorelands,
forest, ecological,
and other areas
managed by the
Department (2,683,799)

Outdoor Recreation Account	1,768,939	914,860	
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(4) Develop public
camping facilities

Outdoor Recreation Account		20,000	
(5) Construct and provide seed orchard facilities (264,000)			
Resources Management Cost Account	54,000		210,000
(6) Land Reclamation- Webster Nursery			
Resources Management Cost Account			20,000
(7) Bellingham Nursery Lath House			
Resources Management Cost Account			25,000
(8) For building construction, road construction, bridge construction and other improvements at Larch Mountain honor camp			
General Fund	55,000		170,000
<u>NEW SECTION.</u> Sec. 11. FOR THE UNIVERSITY OF WASHINGTON			
	Reappro-	From the	From the
	priations	Fund Designated	General Fund
(1) Construct and equip computer center			
State Building and Higher Education Construction Account		1,239,390	
(2) Provide for Far Eastern Library			
University of Washington Building			

Account	200,000	
(3) Health Sciences renovation, Phases IIIA, IIIB and IIIC (including Health Sciences Teaching increment and existing building)		
University of Washington Building Account		
(6,300,000)	2,600,000	3,700,000
(4) Construct and equip new Law Center building (1,490,556)		
State Building and Higher Education Construction Account	1,328,856	
University of Washington Building Account	161,700	
(5) Construct and equip Performing Arts building (Meany Hall) (3,600,000)		
University of Washington Building Account	3,300,000	
State Building and Higher Education Construction Account	.300,000	
(6) Remodel and enlarge Physical Plant Services building		
State Building and Higher		

Education		
Construction		
Account	125,000	
(7) Construct and		
equip Psychology		
building		
State Building		
and Higher		
Education		
Construction		
Account	265,000	
(8) Utilities, services,		
minor repairs and		
betterments		
(4,090,000)		
University of		
Washington		
Building		
Account	1,750,000	2,340,000
(9) Preplanning for		
projects in 1975-77		
Capital Budget		
University of		
Washington		
Building		
Account	100,000	
(10) Renovate Bagley		
Hall, Phase II		
University of		
Washington		
Building		
Account		2,000,000
(11) Renovate More Hall,		
Phase II		
University of		
Washington		
Building		
Account		700,000
(12) Renovation of		
Smith-Condon Halls		
University of		
Washington		
Building		
Account		1,800,000
(13) Renovate Johnson		

Hall

University of
Washington
Building

Account 1,200,000

NEW SECTION. Sec. 12. FOR WASHINGTON STATE UNIVERSITY

Reappro-	From the	From the
priations	Fund Designated	General Fund

(1) Construct and
equip Physical
Sciences building,
Phase I and II

Washington State
University
Building

Account 1,306,000

(2) Addition to and
remodeling of
Arts Hall

Washington State
University
Building

Account 69,670

(3) Moveable equipment
for Humanities
building, Phase I

Washington State
University
Building

Account 223,000

(4) Livestock Teaching
and Research
facilities, Phase I

Washington State
University
Building

Account 118,200

(5) Remodel Byran Hall
Washington State
University
Building

Account 1,250,000

(6) Preplanning for
projects in 1975-77
capital budget

Washington State
 University
 Building
 Account 96,248

(7) Remodel buildings
 and improve
 facilities
 (2,631,400)
 Washington State
 University
 Building
 Account 1,537,000 1,094,400

(8) Extend utilities
 (1,643,118)
 Washington State
 University
 Building
 Account 883,118 760,000

(9) Construct and
 equip Bio-Science
 building, Phase II
 State Higher
 Education
 Construction
 Account 9,378,800

(10) Construct and
 equip Library
 addition (6,714,300)
 Washington State
 University
 Building
 Account 3,191,000

State Higher
 Education
 Construction
 Account 3,523,300

(11) Veterinary Sciences
 building design
 Washington State
 University
 Building
 Account 331,200

NEW SECTION. Sec. 13. FOR EASTERN WASHINGTON STATE COLLEGE
 Reappro- From the From the
 priations Fund Designated General Fund

(1) Utility tunnels and services, including purchase and installation of boiler and chiller system (1,623,442)

Eastern

Washington State

College Capital

Projects

Account 1,111,242 512,200

(2) Remodel buildings, develop and improve facilities, major betterments and extend utilities (299,173)

Eastern Washington

State College

Capital Projects

Account 115,173 184,000

(3) Construct and equip Physical Education building, Phase III (4,489,500)

Eastern Washington

State College

Capital Projects

Account 489,500

State Higher

Education

Construction

Account 4,000,000

(4) Science and "Isle" buildings remodeling

Eastern Washington

State College

Capital Projects

Account 1,000,600

(5) Improvements to grounds (255,154)

Eastern Washington

State College

Capital Projects

Account 205,154 50,000
 (6) Preplanning for
 projects in the
 1975-77 capital
 budget

Eastern Washington
 State College
 Capital Projects
 Account 20,000

(7) Construct and
 equip Creative Arts
 Complex, Phase II
 Eastern Washington
 State College
 Capital Projects
 Account 26,920

(8) Moveable
 equipment for
 buildings under
 State Building
 Authority
 Eastern Washington
 State College
 Capital Projects
 Account 54,368

(9) Cheney Sewer
 System
 Eastern Washington
 State College
 Capital Projects
 Account 1,782

NEW SECTION. Sec. 14. FOR CENTRAL WASHINGTON STATE COLLEGE

Reappro-	From the	From the
priations	Fund Designated	General Fund

(1) Land acquisition
 Central Washington
 State College
 Capital Projects
 Account 70,100

(2) Construct and
 equip Psychology
 building
 Central Washington
 State College
 Capital Projects

Account	80,000	
(3) Construct and equip Library-Instructional complex(4,910,000)		
State Building and Higher Education Construction		
Account	4,858,571	
Central Washington State College Capital Projects		
Account	51,429	
(4) Construct and equip boiler plant addition (2,912,722)		
Central Washington State College Capital Projects		
Account	571,822	
State Higher Education Construction		
Account		2,340,900
(5) Purchase and install initial plant utility distribution monitoring and control system		
Central Washington State College Capital Projects		
Account	300,513	
(6) LID Projects of City of Ellensburg		
Central Washington State College Capital Projects		
Account	112,665	
(7) Utilities extensions and renovations		
Central Washington		

State College
Capital
Projects Account 1,144,885

(8) Remodel buildings
and improve
facilities and
campus(440,213)
Central Washington
State College
Capital Projects
Account 258,213 182,000

(9) Construct and
equip buildings
and grounds building
Central Washington
State College
Capital Projects
Account 37,276

(10) Preplanning for
projects in 1975-77
capital budget
(70,000)
Central Washington
State College
Capital Projects
Account 30,000 40,000

(11) Life Safety
Corrections provides
for water backflow
prevention devices,
upgrading of fire
alarm systems, and
installation of a
sprinkler fire
protection system in
plant services
warehouse
Central Washington
State College
Capital Projects
Account 200,000

(12) Nicholson Pavilion
permanent floor
surfacing
Central Washington

State College
 Capital Projects
 Account 100,000

(13) Electrical Systems
 Renovation

Central Washington
 State College
 Capital Projects
 Account 40,000

(14) Chilled water and
 chiller piping loop

Central Washington
 State College
 Capital Projects
 Account 177,400

(15) Corrosion prevention

Central Washington
 State College
 Capital Projects
 Account 65,000

(16) Sewer System
 modifications

Central Washington
 State College
 Capital Projects
 Account 110,900

(17) Moveable
 equipment for
 projects under
 State Building
 Authority

Central Washington
 State College
 Capital Projects
 Account 13,500

NEW SECTION. Sec. 15. FOR THE EVERGREEN STATE COLLEGE

Reappro-	From the	From the
priations	Fund Designated	General Fund

(1) Construct and
 equip Seminar
 Building, Phase I
 State Building
 and Higher
 Education
 Construction

Account	1,900,000
(2) Construct and equip Science Laboratories	
State Building and Higher Education Construction Account	625,000
(3) Landscaping and improvements to campus, Phase I	
State Building and Higher Education Construction Account	65,000
(4) Construct and equip College Activities Building, Phase I	
State Building and Higher Education Construction Account	50,000
(5) Construct and equip College Recreation Center, Phase I	
State Building and Higher Education Construction Account	65,000
(6) Construction of Phase I of the campus loop road	
The Evergreen State College Capital Projects Account	150,000
(7) Clear, grade, and complete College Parkway (461,474)	

The Evergreen State College Capital Projects Account	46,000	415,474	
(8) Construct and equip laboratory and office building; to increase laboratory facilities and provide additional administrative office space			
State Higher Education Construction Account		7,512,962	
(9) Equipment for Seminar Building, Phase I			
General Fund			355,227
(10) To plan construction of a forensic sciences building: PROVIDED, That construction of the forensic sciences building shall not commence without further legislative approval			
(11) Minor improvements and remodeling			
The Evergreen State College Capital Projects Account		20,000	
(12) Site improvements and utilities expansion			
The Evergreen State College Capital Projects Account		447,733	

NEW SECTION. Sec. 16. FOR WESTERN WASHINGTON STATE COLLEGE

	Reappro- priations	From the Fund Designated	From the General Fund
(1) Land acquisition (354,826)			
Western Washington State College Capital Projects Account	196,426	158,400	
(2) Preplanning for projects in 1975-77 Capital Budget (108,076)			
Western Washington State College Capital Projects Account	70,076	8,000	
State Higher Education Construction Account		30,000	
(3) Utility expansion and modernization (3,642,031)			
General Fund	1,631,590		
Western Washington State College Capital Projects Account	1,246,541	763,900	
(4) Remodel college buildings and improvements to buildings and facilities(580,675)			
General Fund	47,740		
Western Washington State College Capital Projects Account	432,935	100,000	
(5) Purchase necessary moveable equipment for State Building Authority buildings (771,406)			
General Fund	675,000		
Western Washington			

State College
 Capital Projects
 Account 96,406

(6) Construct and
 equip addition
 to Arts building
 Western Washington
 State College
 Capital Projects
 Account 22,579

(7) Construct and
 equip Music/
 Auditorium addition
 State Building
 and Higher
 Education
 Construction
 Account 1,059,208

(8) Fairhaven Unit
 academic facilities
 Western Washington
 State College
 Capital Projects
 Account 34,572

(9) Construct and
 equip library
 addition, Phase III
 Western Washington
 State College
 Capital Projects
 Account 362,477

(10) Renovation of Old
 Main Building
 (1,681,005)
 State Building
 and Higher
 Education
 Construction
 Account 842,005
 Western Washington
 State College
 Capital Projects
 Account 839,000

(11) Construct and
 equip Social Science

building (2,880,561)
 General Fund 400,000
 State Building
 and Higher
 Education
 Construction
 Account 1,449,561
 Western Washington
 State College
 Capital Projects
 Account 500,000
 State Higher
 Education
 Construction
 Account 531,000
 (12) Design for applied
 arts and sciences
 building
 State Higher
 Education
 Construction
 Account 197,500
 (13) Renovation of Old
 Main building,
 Phase II
 State Higher
 Education
 Construction
 Account 2,754,000
 (14) Equipment
 for Leona M.
 Sundquist
 marine
 laboratory at
 Shannon Point
 State Higher
 Education
 Construction
 Account 85,000

NEW SECTION. Sec. 17. FOR THE STATE BOARD FOR COMMUNITY
 COLLEGE EDUCATION

Reappro-	From the	From the Commu-
priations	Community College	nity College
	Capital Projects	Capital Improve-
	Account	ment Account

(1) Removal of Edison South and construction of replacement facilities designated as Phase II of Seattle Central Campus	8,001,601	
(2) Construct vocational and academic facilities designated as Phase II of Walla Walla Community College	2,002,399	386,839
(3) Remodel and equip a portion of existing space for vocational programs at North Seattle Campus		836,505
(4) Construct vocational facilities designated as Human Services Building, Vocational Arts Building, and photography laboratory at Spokane Falls Campus		1,670,515
(5) Construct vocational facilities designated as Buildings 1, 2, and 3 at Highline Community College		3,806,543
(6) Construct vocational and		

academic
facilities
designated as
Science Building,
Campus Service
Building, and
Food Services
Training Building at
South Seattle
Campus

4,554,099

(7) Construct
vocational and
academic
facilities
designated as
Group A and Group
B at Tacoma
Community College:
PROVIDED, That no
funds shall be
expended or
obligated from
this appropriation
pending completion
of legislative
study of existing
and proposed
community college
facilities in
Pierce County
and in no event
shall any
expenditures be
made or obligations
incurred until
after September
30, 1973

1,246,317

(8) Construct
vocational
facilities
designated as
Group A, Phase III
at Fort Steilacoom
Community
College: PROVIDED,

That no funds shall
 be expended or
 obligated from this
 appropriation
 pending completion
 of legislative study
 of existing and
 proposed community
 college facilities
 in Pierce County
 and in no event
 shall any
 expenditures be
 made or obligations
 incurred until
 after September 30,
 1973

1,132,585

(9) Construct
 vocational
 facilities
 designated as
 additions to Phase
 II at Bellevue
 Community
 College

1,881,544

(10) Construct
 vocational and
 academic facilities
 designated as
 Mechanics Complex
 and addition to
 Glenn Hall at
 Yakima Community
 College

2,224,748

(11) Construct
 vocational
 facilities
 designated as
 Science Building
 at Edmonds
 Campus

1,141,992

(12) Construct
 vocational and
 support facilities
 designated as Phase

I of permanent
campus at Olympia
Vocational
Technical Campus:
PROVIDED, That
\$20,000 of this
appropriation shall
be available for
development of
schematic plans for
support facilities 2,264,789
(13) Remodel a portion
of existing space
for vocational
programs at
Clark Community
College 339,269
(14) Construct Health
Occupation Building,
including site
acquisition at
Olympic Community
College 724,291
(15) Develop and
construct general
academic,
vocational and
support facilities
at Centralia
College 917,698
(16) Preplanning for
schematic plans
for 1975-77 new
capital projects 150,000
(17) Costs of
administering the
relocatable pool
of facilities 324,000
(18) Emergency
Capital Repairs 500,000
It is the intent
of the
Legislature that
the State Board
for Community

College Education shall prepare prior to January 1, 1974, a system wide priority list of individual community college capital projects for submission to the Legislative Budget Committee, Council on Higher Education, and the Office of Program Planning and Fiscal Management and such lists shall be reviewed and evaluated prior to the appropriation of any planning funds (19) Construction, remodeling, conversion, removal and replacement of vocational, academic and other community college facilities

Community College

Capital projects

Account 14,638,151

NEW SECTION. Sec. 18. FOR PENINSULA COMMUNITY COLLEGE

Reappro-	From the	From the
priations	Fund Designated	General Fund

Construction, repairs, remodeling, equipment and other capital

improvements

General Fund 10,313

NEW SECTION. Sec. 19. FOR THE BOARD OF EDUCATION--
SUPERINTENDENT OF PUBLIC INSTRUCTION

	Reappro-	From the	From the
	priations	Fund Designated	General Fund

Public School Building
construction (73,293,249)

Common School Building Construction Account	4,408,901		
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Public School Building Construction Account	139,974		
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Common School
Construction
Fund: PROVIDED,

That not to
exceed \$220,000
or so much
thereof as
needed, may be
utilized to
fund the school
buildings
systems study
directed in
Chapter 28A.04 RCW:
PROVIDED FURTHER,
That \$200,000 or
as much thereof as
shall be
sufficient may be
made available
for reimbursement
of school
districts for the
full cost incurred
for preliminary
planning, but no
more than \$100,000
shall be expended
in any one fiscal

year	39,395,735	29,348,639	
<u>NEW SECTION.</u> Sec. 20. FOR THE STATE PATROL			
	Reappro-	From the Motor	From the
	priations	Vehicle Fund	General Fund
(1) Construct and equip weigh stations including site acquisitions and improvements and relocations of existing sites (647,700)			
Motor Vehicle Fund	180,000	467,700	
(2) Install water and sanitary facilities at westbound Gig Harbor weigh station (5,000)			
Motor Vehicle Fund	3,000	2,000	
(3) Replace radio relay facility-Okanogan			
Motor Vehicle Fund	12,960		
(4) Mobile radio relay station			
Motor Vehicle Fund	35,700		
(5) Weigh Station Improvement-Wallula			
Motor Vehicle Fund	9,100		
(6) Construct detachment office-Ellensburg			
Mobile Radio		221,000	
(7) Communications-North Cross State Highway			
		150,000	
(8) Mobile Radio Relay Station-Forks			
		20,000	
(9) Replace Auxiliary Power Plants			
		6,000	
(10) Construct communication center			

and district
 headquarters-East King
 County (488,500) 368,000 120,500
 (11) Install city water
 line, Martin Way
 property-Olympia 11,000
 (12) Construct office
 addition, pave
 driveways and parking
 areas-Kennewick
 detachment 6,500
 (13) Construct office
 addition and pave
 parking lots-
 Ephrata detachment 7,000
 (14) Second phase
 landscaping-
 Okanogan detachment 3,000
 (15) Replace
 communications -
 Columbia River Area
 Motor Vehicle
 Fund 110,000
 (16) Construct
 detachment offices
 at Kelso and Chehalis
 Motor Vehicle
 Fund 300,000

NEW SECTION. Sec. 21. FOR THE EASTERN WASHINGTON STATE
 HISTORICAL SOCIETY

Reappro-	From the	From the
priations	Fund Designated	General Fund

Pave parking lot
 on land to be
 donated to the
 Society by the
 Eastern Washington
 Museum Foundation

General Fund 6,800

NEW SECTION. Sec. 22. There is hereby appropriated for
 Capital Improvement purposes to the Washington State Historical
 Society from the General Fund, the sum of \$150,000 for the biennium
 ending June 30, 1975.

NEW SECTION. Sec. 23. There is hereby appropriated from the
 Building Authority Construction Account within the General Fund to

the following agencies: University of Washington \$3,864,714; Washington State University \$1,848,877; Eastern Washington State College \$94,144; Central Washington State College \$1,121,500; The Evergreen State College \$172,000; and Western Washington State College \$1,022,990; Department of Commerce and Economic Development (for EXPO '74) \$5,359,423.

NEW SECTION. Sec. 24. There is hereby reappropriated from the Community College Capital Project Account to the State Board for Community College Education for allocation to Big Bend Community College (District 18) the sum of \$990,000 to construct and equip a science building on the north campus and to remodel various other existing structures.

NEW SECTION. Sec. 25. There is hereby reappropriated from the general fund to the state board for community college education the sum of \$350,000 or so much thereof as may be required for construction and equipping the final unit of the engineering technology building on the south campus of the Seattle Community College: PROVIDED, That the director of the office of program planning and fiscal management may allocate from this appropriation no more than shall be realized from the pending sale of the real property and improvements thereto known as the Holgate branch of the Seattle community college.

NEW SECTION. Sec. 26. There is hereby reappropriated from the general fund to the State Board for Community College Education the sum of \$950,000 or so much thereof as is deposited in the state general fund from the pending sale of the following described real property and any fixtures thereon, whichever amount is the lesser, for the construction, repairs, remodeling, land acquisition, equipment and other capital improvements for Seattle community college district number 6:

All of Block numbered 11 of Hill Tract Addition to the City of Seattle, King County, Washington; bounded on the East by 19th Avenue, on the South by Main Street, on the West by 18th Avenue, and on the North by the imaginary center line of Washington Street, extended Easterly to its intersection with 19th Avenue.

NEW SECTION. Sec. 27. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 28. Before a capital project shall begin or an obligation incurred or contract entered into, the Director of the Office of Program Planning and Fiscal Management, 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. 29. Additional federal funds or other receipts, gifts and grants may be received and allotted by the Governor for capital projects in compliance with RCW 43.79.260 through 43.79.280 inclusive as now or hereafter amended. Whenever possible, funds or unanticipated receipts from these other available sources shall be used in lieu of appropriations from the general fund or other funds or accounts provided by this act. Unless required by federal laws or regulations or the terms of other gifts or grants, these additional revenues shall not be used to expand the scope of the project as approved by the Legislature, the capacity of any facility or the overall amount spent beyond the scope, capacity or overall cost anticipated by the Legislature in making the appropriation without prior legislative approval. If unanticipated receipts are substituted for appropriated funds pursuant to this section, it is the intent of the Legislature that the appropriation balance revert to the fund of origin.

NEW SECTION. Sec. 30. 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. 31. Reappropriations shall be limited to the unexpended balances remaining June 30, 1973, in the current appropriation for each project.

NEW SECTION. Sec. 32. The Governor, through the Director of the Office of Program Planning and Fiscal Management, may authorize a transfer of funds appropriated for a capital project in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient only within the Division of Institutions, Department of Social and Health Services, or between appropriations for a specific department, commission or institution of higher education. No such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the appropriation. A report of any transfer effected under this section shall be filed with the Legislative Auditor for transmittal to the Legislative Budget Committee by the Director of the Office of Program Planning and Fiscal Management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 33. 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 portions of projects involving inmate labor at a state institution.

NEW SECTION. Sec. 34. Except as provided in section 32 of this act none of the funds appropriated in this act shall be used by any community college for satellite or secondary campuses, nor any facilities acquired therefor; a satellite or secondary campus for the purposes of this act shall be any location having facilities to carry on instructional programs away from the primary campus of a community college district, with the exception of those facilities of a temporary nature, including facilities in local high schools, in community or privately owned buildings, mobile units, or in any other facility or location which is rented or leased for a period not to exceed two years.

NEW SECTION. Sec. 35. None of the funds appropriated in this act shall be used for new dormitory facilities at community colleges. In addition, any proposals to establish new dormitory facilities at any community college shall be included in the capital budget request of the state board for community colleges as submitted to the office of program planning and fiscal management, and thereafter shall be included in the executive budget for review by the legislature. Such facilities shall not be established unless authorized by the legislature.

NEW SECTION. Sec. 36. No expenditures of appropriated funds for minor capital outlays and/or repairs approved in this act shall be made by any state institution of higher learning offering post-high school educational programs until such anticipated expenditures have been reported to the office of program planning and fiscal management and the legislative budget committee.

NEW SECTION. Sec. 37. Notwithstanding any other provision of law, it is the intention of the Legislature that the Institutions of Higher Education not expend any local plant funds or any other moneys for construction of married student housing during the 1973-75 biennium.

NEW SECTION. Sec. 38. The Council on Higher Education is directed to prepare a fiscal note indicating the estimated operating cost impact of each capital project of the institutions of higher education and the community colleges. The fiscal notes shall be made available to the appropriate committees of the Legislature not later than thirty days following submission of the proposed capital budget requests to the Governor and the Office of Program Planning and Fiscal Management. The institutions of higher education and the State Board for Community College Education are directed to supply, on forms prescribed by the Council, such information as is required to prepare the fiscal notes.

NEW SECTION. Sec. 39. 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 13, 1973.
Passed the House April 11, 1973.
Approved by the Governor April 23, 1973.
Filed in Office of Secretary of State April 24, 1973.

CHAPTER 115
[Engrossed Senate Bill No. 2289]
SCHOOL DISTRICTS--EMPLOYEE NEGOTIATIONS--
PRINCIPALS AND ASSISTANT PRINCIPALS--
OPTIONAL CLASSIFICATION

AN ACT Relating to negotiations of school districts with their certificated personnel; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW.

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

NEW SECTION. Section 1. A new section is hereby added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.72 RCW to read as follows:

Notwithstanding the provisions of chapter 28A.72 RCW or any other law, rule or regulation, school principals and assistant principals shall be considered to be certificated employees unless a majority elect by secret ballot to be excluded from this definition at an election conducted pursuant to rules and regulations of the office of the superintendent of public instruction. Should the principals and assistant principals within a school district choose pursuant to this 1973 act to be excluded from the definition of certificated employee, the provisions of chapter 28A.72 RCW shall have equal application to them separately and the term "certificated employee" as used in chapter 28A.72 RCW shall be used interchangeably to also refer to principals and assistant principals: PROVIDED, That negotiations between the employer and the bargaining representative of the principals and assistant principals shall be limited in scope to school district policies respecting solely the compensation, hours of work and the duration of employment contracts, of principals and assistant principals. Nothing in this section shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school district

and any representative of its employees.

Passed the Senate April 6, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 116

[Senate Bill No. 2309]

EXPO '74--STATE PAVILION--

BONDS AUTHORIZED

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; making an appropriation; and declaring an emergency.

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

NEW SECTION. Section 1. The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971 legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards.

NEW SECTION. Sec. 2. For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in this act and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 3. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in this act 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 notes, if any. Such bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 4. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by this act and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this act and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and this act. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein.

NEW SECTION. Sec. 5. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission.

NEW SECTION. Sec. 6. The state building bond redemption fund, 1973-A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973-A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest

thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 8. The bonds authorized in this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 9. There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of this act.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions and shall take effect immediately.

Passed the Senate March 9, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 117

[Engrossed Senate Bill No. 2319]

CRIMINALLY INSANE--PROCEDURE--

CARE--TREATMENT

AN ACT Relating to the criminally insane; creating a new chapter in Title 10 RCW; creating new sections; repealing section 262, page 239, Laws of 1873, section 1, chapter 30, Laws of 1907 and RCW 10.76.010; repealing section 2, chapter 30, Laws of 1907 and RCW 10.76.020; repealing section 3, chapter 30, Laws of 1907 and RCW 10.76.030; repealing section 126, page 121, Laws of 1854, section 262, page 239, Laws of 1873, section 1101, Code of 1881, section 79, chapter 28, Laws of 1891,

section 4, chapter 30, Laws of 1907 and RCW 10.76.040; repealing section 5, chapter 30, Laws of 1907, section 49, chapter 81, Laws of 1971 and RCW 10.76.050; repealing section 8, chapter 30, Laws of 1907, section 1, chapter 48, Laws of 1957, section 1, chapter 9, Laws of 1965 ex. sess., section 50, chapter 81, Laws of 1971 and RCW 10.76.060; repealing section 6, chapter 30, Laws of 1907, section 2, chapter 48, Laws of 1957, section 2, chapter 9, Laws of 1965 ex. sess., section 51, chapter 81, Laws of 1971 and RCW 10.76.070; repealing section 7, chapter 30, Laws of 1907, section 52, chapter 81, Laws of 1971 and RCW 10.76.080; and declaring an effective date.

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

NEW SECTION. Section 1. As used in this chapter:

(1) "Criminally insane" means any person who has been acquitted of a crime charged by reason of mental disease or defect excluding responsibility, and thereupon found to be a substantial danger to himself or other persons and in need of further control by the court or other persons or institutions. No condition of mind proximately induced by the voluntary act of a person charged with a crime shall be deemed a mental disease or defect excluding responsibility.

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(3) "Secretary" means the secretary of the department of social and health services or his designee.

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

(5) "Treatment" means any currently standardized medical or mental health procedure including medication.

NEW SECTION. Sec. 2. (1) At any and all stages of the proceedings pursuant to this chapter, any person subject to the provisions of this chapter shall be entitled to the assistance of counsel, and if the person is indigent and unable to retain counsel the court shall appoint counsel to assist him. A person may waive his right to counsel only following a specific finding by the court that he is competent to so waive. In making such findings, the court shall be guided but not limited by the following standards: Whether the person attempting to waive the assistance of counsel, does so understanding:

- (a) The nature of the charges;
- (b) The statutory offense included within them;
- (c) The range of allowable punishments thereunder;
- (d) Possible defenses to the charges and circumstances in

mitigation thereof; and

(e) All other facts essential to a broad understanding of the whole matter.

(2) Whenever any person is subjected to a mental status examination pursuant to any provision of this chapter, he may retain an expert or professional person to participate in the examination in his behalf. In the case of a person who is indigent, either the court or the secretary shall upon his request assist the person in obtaining an expert or professional person to participate in the examination or hearing on his behalf. An expert or professional person obtained by an indigent person pursuant to the provisions of this chapter shall be compensated for his services out of funds of the department, in an amount determined by it to be fair and reasonable.

(3) Whenever any person has been committed under any provision of this chapter, or ordered to undergo alternative treatment following his acquittal of a crime charged by reason of mental disease or defect excluding responsibility, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged. If at the end of that period the person has not been finally discharged and is still in need of commitment or treatment, civil commitment proceedings may be instituted, if appropriate.

(4) Any time the defendant is being examined by court appointed experts or professional persons pursuant to the provisions of this chapter, he shall be entitled to have his attorney present. If the defendant is indigent and unable to retain counsel, the court upon the request of the defendant shall appoint counsel to assist the defendant. The defendant may refuse to answer any question if he believes his answers may tend to incriminate him or form links leading to evidence of an incriminating nature.

NEW SECTION. Sec. 3. (1) Evidence of mental disease or defect excluding responsibility is not admissible unless the defendant, at the time of arraignment or within ten days thereafter or at such later time as the court may for good cause permit, files a written notice of his intent to rely on such a defense.

(2) Mental disease or defect excluding responsibility is a defense which the defendant must establish by a preponderance of the evidence.

(3) When the defendant is acquitted on the grounds of mental disease or defect excluding responsibility, the verdict and judgment shall so state.

NEW SECTION. Sec. 4. Whenever the issue of mental disease or defect excluding responsibility has been raised by the defendant, the court shall instruct the jury to return a verdict in substantially

the following form:

- | | answer |
|---|-----------|
| | yes or no |
| 1. Did the defendant commit the crime charged? | ----- |
| 2. If your answer to number 1 is yes, do you
acquit him because of mental disease or
defect excluding responsibility? | ----- |
| 3. If your answer to number 2 is yes, is the
defendant a substantial danger to himself
or others and in need of control by the court
or other persons or institutions? | ----- |

NEW SECTION. Sec. 5. No person who lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of mental disease or defect shall be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues.

NEW SECTION. Sec. 6. (1) Whenever a defendant has pleaded not guilty by reason of mental disease or defect excluding responsibility, or there is reason to doubt his fitness to proceed as a result of mental disease or defect, the court on its own motion or on the motion of any party shall appoint, or shall request the secretary to designate, at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examination, but not to exceed fifteen days.

(2) The court shall direct that a qualified expert or professional person retained by the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that he shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right either to join in the report filed by the court appointed experts or professional persons authorized by subsection (1) of this section, or to file his own separate report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him in obtaining a duly qualified expert or professional person to participate in the examination on the defendant's behalf.

- (3) The report of the examination shall include the following:
- (a) A description of the nature of the examination;
 - (b) A diagnosis of the mental condition of the defendant;
 - (c) If the defendant suffers from a mental disease or defect,

an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

(d) If the defendant has indicated his intention to rely on the defense of irresponsibility pursuant to section 3 of this act, an opinion as to the extent he lacked capacity either:

(i) To know or appreciate the nature and consequences of such conduct; or

(ii) To know or appreciate the criminality of such conduct;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to himself or others and is in need of control by the court or other persons or institutions.

NEW SECTION. Sec. 7. When the defendant wishes to be examined by a qualified expert or professional person of his own choice such examiner shall be permitted to have reasonable access to the defendant for the purpose of such examination, as well as to all relevant medical and psychological records and reports.

NEW SECTION. Sec. 8. If the report filed pursuant to section 6 of this act finds that the defendant at the time of the criminal conduct charged did not have capacity to either (1) know or appreciate the nature and consequence of such conduct; or (2) know or appreciate the criminality of such conduct, the defendant, upon notification to the prosecuting attorney, may move that a judgment of acquittal on the grounds of mental disease or defect excluding responsibility be entered. If the court, after a hearing on the motion, is satisfied that such impairment was sufficient to exclude responsibility, the court shall enter judgment of acquittal on the grounds of mental disease or defect excluding responsibility. If the motion is denied, the question shall be submitted to the trier of fact in the same manner as all other issues of fact.

NEW SECTION. Sec. 9. (1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in section 6 of this act, that the defendant is incapable of understanding the proceedings against him or assisting in his own defense, the court shall order the proceedings against him be stayed, except as provided in subsection (5) of this section, and may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he has regained the competency necessary to understand the proceedings against him and assist in his own defense, but in any event, for no

longer than a period of ninety days. If during the ninety day period, the court on its own motion, or upon application of the secretary, the prosecuting attorney, or the defendant, finds by a preponderance of the evidence, after a hearing, that the defendant is now able to understand the proceedings against him and assist in his own defense, the proceedings shall be resumed.

(2) If at the end of the ninety day period the court finds that the defendant is not able to understand the proceedings against him and assist in his own defense, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency if the defendant has not been judged competent to proceed before the expiration of the second ninety day period. The defendant, his attorney, the prosecutor, or the judge shall have the right to demand that the competency hearing at the end of the ninety day extension period be before a jury. If no demand is made, the hearing shall be before the court. The sole issue to be determined at such a hearing is whether the defendant has the competency to understand the proceedings against him and to assist in his own defense.

(3) If the jury or court, as the case may be, finds by a preponderance of the evidence that the defendant is unable to understand the proceedings against him and assist in his own defense, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall immediately be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That if the jury or court, as the case may be, also finds by a preponderance of the evidence that, on or before ninety days from the expiration date of the second ninety day period, the defendant will be so improved as to be able to understand the proceedings against him and assist in his own defense, the court shall extend the order of commitment or alternative treatment for a period no longer than an additional ninety days and shall also order that if the defendant has not been judged competent to proceed and has not been brought to trial on or before the end of said additional ninety day period, then at the end of said period, upon providing notice to the court, but without further order of the court, either civil commitment proceedings shall immediately be instituted, if appropriate, or the defendant shall be released.

(4) If the jury or the court, as the case may be, finds by a preponderance of the evidence that the defendant has regained the ability to understand the proceedings against him and to assist in his own defense, the criminal proceedings shall be resumed.

(5) The fact that the defendant is unfit to proceed does not

preclude any pretrial proceedings which do not require the personal participation of the defendant.

(6) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables him to understand the proceedings against him and to assist in his own defense, or does not disable him from so understanding and assisting in his own defense.

NEW SECTION. Sec. 10. At any proceeding held pursuant to this chapter:

(1) Experts or professional persons who have reported pursuant to this chapter may be called as witnesses. Both the prosecution and the defendant may summon any other qualified expert or professional persons to testify, but no one who has not examined the defendant outside of court shall be competent to testify to an expert opinion with respect to the mental condition or responsibility of the defendant, as distinguished from the validity of the procedure followed by, or the general scientific propositions stated by, another witness.

(2) Experts or professional persons who have examined the defendant and who have been called as witnesses concerning his mental condition shall be permitted to make a statement as to the nature of his examination, his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged and his opinion as to the extent, if any, the defendant lacked capacity either (1) to know or appreciate the nature and consequence of such conduct; or (2) to know or appreciate the criminality of such conduct. He shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion.

NEW SECTION. Sec. 11. If a defendant charged with a crime is acquitted by reason of mental disease or defect excluding responsibility, and it is found that he is not a substantial danger to himself or other persons, and not in need of control by the court or other persons or institutions, the court shall direct his release. If it is found that the defendant is a substantial danger to himself or others and in need of control by the court or other persons or institutions, the court may order his hospitalization or may order alternative treatment pursuant to the terms of this chapter.

NEW SECTION. Sec. 12. The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to his

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

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time he is absent from the facility, he shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return him to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause. If the state does not appeal, the order of discharge shall be sufficient acquittal to the secretary.

NEW SECTION. Sec. 13. Either party to the cause may have the evidence and all of the matters not of record in the cause made a part of the record by the certification of a statement of facts or bill of exceptions as in other cases. If an appeal should not be taken, such statement of facts or bill of exceptions shall remain on file in the office of the clerk of the court where the cause was tried, and if an appeal be taken, the statement of facts or bill of exceptions shall be returned from the court of appeals or the supreme court to the court where the cause was tried when the court of appeals or the supreme court shall have rendered its final judgment in the cause.

NEW SECTION. Sec. 14. Each patient committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his mental condition made by one or more experts or professional persons at least once every six months. The patient may retain, or if he is indigent and so requests, the court may appoint a duly qualified expert or

professional person to examine him, and such expert or professional person shall have access to all hospital records concerning the patient. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section.

NEW SECTION. Sec. 15. (1) Persons examined pursuant to section 14 of this act may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to section 14 of this act, forward to the court the person's application for conditional release as well as his recommendations concerning the application and any proposed terms and conditions upon which he believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) The court, upon receipt of an application for conditional release with the secretary's recommendation for conditional release, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary. The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of his choice. If the patient is indigent, and he so requests, the court shall appoint a duly qualified expert or professional person to examine the patient on his behalf. The issue to be determined at such a hearing is whether the person may be released conditionally without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions. The court, after hearing, shall rule on the secretary's recommendations, and if it disapproves of said recommendations, may do so only on the basis of substantial evidence. The court, prior to conditional release, may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(3) A recommendation by the secretary pursuant to this section that the person should not be conditionally released does not preclude such person from applying for a writ of habeas corpus on the issue of whether he may be released without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, where no hearing has been held pursuant to subsection (2) of this section.

(4) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date

of denial.

NEW SECTION. Sec. 16. When a conditionally released person is required by the terms of his conditional release to report to a physician, probation officer, or other such person on a regular or periodic basis, the doctor, probation officer, or other such person shall monthly, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his conditional release.

NEW SECTION. Sec. 17. As funds are available, the secretary may provide payment to a person conditionally released pursuant to section 16 of this act, consistent with the provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so.

NEW SECTION. Sec. 18. Each person conditionally released pursuant to section 16 of this act shall have his case reviewed by the court which conditionally released him no later than one year after such release and no later than every two years thereafter, such time to be scheduled by the court. Review may occur in a shorter time or more frequently, if the court, in its discretion, on its own motion, or on motion of the person, the secretary or the prosecuting attorney, so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released. The court in making its determination shall be aided by the periodic reports filed pursuant to sections 14 and 17 of this act, and the opinions of the secretary and other experts or professional persons.

NEW SECTION. Sec. 19. (1) Any person submitting reports pursuant to section 17 of this act, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary, or the court, after examining the report filed with them pursuant to section 17 of this act, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his conditional release, and because of that failure he has become a substantial danger to himself or other persons, the secretary may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not

the patient should be rehospitalized. The court shall be notified before the close of the next judicial day of a patient's apprehension. Both the prosecuting attorney and the patient shall have the right to request an immediate mental status examination of the patient. In the case of a patient who is indigent, the secretary shall, upon request of the patient, assist him in obtaining a duly qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the patient's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the conditionally released person did or did not adhere to the terms and conditions of his release, is likely to harm himself or other persons if not hospitalized or whether the conditions of release should be modified. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be rehospitalized subject to release only in accordance with the provisions of this chapter.

NEW SECTION. Sec. 20. (1) If the secretary determines, after such investigation as he may deem necessary, that a patient committed as criminally insane pursuant to this chapter may be finally discharged without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, he shall make application to the court for the final discharge.

(2) The court, upon receipt of the application for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the patient examined by an expert or professional person of his choice. If the patient is indigent, and he so requests, the court shall appoint a duly qualified expert or professional person to examine the patient on his behalf. The hearing shall be before a jury if demanded by either the patient or the prosecuting attorney. The issue to be determined at such a hearing is whether the person may be finally discharged without substantial danger to himself or others and is not in need of further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for final discharge. The issue to be determined on such proceeding is whether the patient is a substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions.

NEW SECTION. Sec. 21. Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter

shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his attorney, to his personal physician, to the prosecuting attorney, to the court or other expert or professional persons who, upon proper showing, demonstrate a need for access to such records.

NEW SECTION. Sec. 22. No person confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility.

NEW SECTION. Sec. 23. Either party may appeal to the court of appeals the judgment of any hearing held pursuant to the provisions of this chapter. The procedure on appeal shall be the same as in other cases.

NEW SECTION. Sec. 24. Nothing in this chapter shall prohibit a person presently committed from exercising a right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus.

NEW SECTION. Sec. 25. Notwithstanding any provision of the revised code of Washington to the contrary, the department shall be responsible for all costs relating to the evaluation and treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto. Reimbursement may be obtained by the department pursuant to RCW 71.02.380.

NEW SECTION. Sec. 26. (1) Any acts done before the effective date of this act and any proceedings then pending and any constitutional right or any action taken in any proceeding pending under statutes in effect prior to the effective date of this act are not impaired by this chapter.

(2) This chapter shall also apply to persons committed under prior law as incompetent to stand trial or as being criminally insane and to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of this chapter.

NEW SECTION. Sec. 27. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or its application of the provision to other

persons or circumstances is not affected.

NEW SECTION. Sec. 28. Sections 1 through 27 of this act shall constitute a new chapter in Title 10 RCW, and shall be considered the successor chapter to chapter 10.76 RCW.

NEW SECTION. Sec. 29. The following acts or parts of acts are each hereby repealed:

(1) Section 262, page 239, Laws of 1873, section 1, chapter 30, Laws of 1907 and RCW 10.76.010;

(2) Section 2, chapter 30, Laws of 1907 and RCW 10.76.020;

(3) Section 3, chapter 30, Laws of 1907 and RCW 10.76.030;

(4) Section 126, page 121, Laws of 1854, section 262, page 239, Laws of 1873, section 1101, Code of 1881, section 79, chapter 28, Laws of 1891, section 4, chapter 30, Laws of 1907 and RCW 10.76.040;

(5) Section 5, chapter 30, Laws of 1907, section 49, chapter 81, Laws of 1971 and RCW 10.76.050;

(6) Section 8, chapter 30, Laws of 1907, section 1, chapter 48, Laws of 1957, section 1, chapter 9, Laws of 1965 ex. sess., section 50, chapter 81, Laws of 1971 and RCW 10.76.060;

(7) Section 6, chapter 30, Laws of 1907, section 2, chapter 48, Laws of 1957, section 2, chapter 9, Laws of 1965 ex. sess., section 51, chapter 81, Laws of 1971 and RCW 10.76.070; and

(8) Section 7, chapter 30, Laws of 1907, section 52, chapter 81, Laws of 1971 and RCW 10.76.080.

NEW SECTION. Sec. 30. This act shall take effect on July 1, 1973.

Passed the Senate March 30, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

 CHAPTER 118
 [Senate Bill No. 2353]
 BALLOT TITLES--PETITIONS--
 FORMAT CHANGE

AN ACT Relating to elections; amending section 29.27.060, chapter 9, Laws of 1965 and RCW 29.27.060; amending section 29.79.040, chapter 9, Laws of 1965 and RCW 29.79.040; amending section 29.79.050, chapter 9, Laws of 1965 and RCW 29.79.050; and amending section 29.79.080, chapter 9, Laws of 1965 and RCW 29.79.080.

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

Section 1. Section 29.27.060, chapter 9, Laws of 1965 and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding ~~((seventy-five))~~ twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding ~~((seventy-five))~~ twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

~~((In addition to such a statement, the official preparing the statement, whether the attorney general, city attorney, or prosecuting attorney, as the case may be, shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the proposition and distinguish it from other propositions on the ballot. This caption shall be placed on the ballot immediately before the statement, and shall be printed in heavy black type in such a manner as to be readable at a glance. The caption and))~~ Such concise statement ~~((together))~~ shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Sec. 2. Section 29.79.040, chapter 9, Laws of 1965 and RCW 29.79.040 are each amended to read as follows:

Within ten days after the receipt of an initiative or referendum measure the attorney general shall formulate therefor and transmit to the secretary of state a concise statement ~~((of))~~ posed as a question and not to exceed ~~((one-hundred))~~ twenty words, bearing the serial number of the measure. The statement may be distinct from the legislative title of the measure, and shall express, and give a true and impartial statement of the purpose of the measure; it shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. ~~((In addition to such statement, the attorney general shall also prepare a caption, not to exceed five words in length, to permit the voters readily to identify the~~

initiative or referendum measure and distinguish it from other questions on the ballot. This caption and the) Such concise statement ((together)) shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal.

Sec. 3. Section 29.79.050, chapter 9, Laws of 1965 and RCW 29.79.050 are each amended to read as follows:

Upon the filing of the ballot title for an initiative or referendum measure in his office, the secretary of state shall forthwith notify the persons proposing the measure by ((telegraph)) telephone and by mail of the exact language thereof.

Sec. 4. Section 29.79.080, chapter 9, Laws of 1965 and RCW 29.79.080 are each amended to read as follows:

Upon the ballot title being established, the persons proposing the measure may prepare blank petitions and cause them to be printed upon single sheets of (white) paper of good writing quality twelve inches in width and fourteen inches in length, with a margin of one and three-quarters inches at the top for binding. Each petition at the time of circulating, signing, and filing with the secretary of state shall consist of not more than ((five)) one sheet((s)) with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition on each sheet, and a full, true and correct copy of the proposed measure referred to therein printed on the reverse side of said petition or on sheets of paper of like size and quality as the petition, firmly fastened together.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 119

[Engrossed Senate Bill No. 2382]

JUDICIAL RETIREMENT SYSTEM--PRO

TEMPORE SERVICE--LIMITATIONS

AN ACT Relating to the Washington judicial retirement system; amending section 15, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.150.

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

Section 1. Section 15, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.150 are each amended to read as follows:

Every judge retired either for service or disability under the

provisions of this chapter shall file a statement of income with the retirement board. Any retired judge who is receiving income from employment of any kind shall have his retirement allowance reduced by the amount that his combined retirement allowance and employment income exceed the current monthly salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement; PROVIDED, HOWEVER, That pro tempore service as a judge of a court of record shall not constitute employment as that term is used in this section and income from pro tempore service need not be reported to the retirement board. Pro tempore service shall be limited to not more than ninety days in any single year, and the combined retirement allowance of a retired judge together with his income as a pro tempore judge shall not exceed the salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this chapter.

Passed the Senate March 22, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 120
[Substitute Senate Bill No. 2407]
WASHINGTON HIGHER EDUCATION
ASSISTANCE AUTHORITY

AN ACT Relating to higher education; creating the Washington higher education assistance authority and setting out its powers, duties and functions; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; making an effective date; and declaring an emergency.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. AUTHORITY CREATED. There is hereby created a corporate governmental agency of the state, constituting a public corporation and governing instrumentality, which shall be known as the "Washington State Higher Education Assistance Authority".

NEW SECTION. Sec. 2. PURPOSE OF AUTHORITY. The purpose of the authority shall be to assist needy and disadvantaged persons to pursue a post-secondary education by purchasing loans made by banking and educational institutions to such persons to help them meet the rising costs of such education, thereby encouraging those

institutions to make such loans, and increasing the supply of moneys available therefor. The legislature hereby finds and determines that it is in the public interest and essential to the welfare and well-being of the inhabitants of the state and to the proper growth and development of the state to encourage and assist every student who has the desire and capacity to pursue a post-secondary education. It is hereby further found and determined that the rising costs to students of post-secondary education are placing the goal of such study beyond the financial reach of a growing proportion of our potential student population, particularly those young men and women who are needy and disadvantaged, with a consequent irreparable loss to the state of valuable talents vital to its welfare. It is, therefore, found and determined that the authority created by section 1 of this 1973 act is a proper and effective means of meeting this fiscal crisis in post-secondary education, which is contrary to the general welfare of the inhabitants of the state.

NEW SECTION. Sec. 3. DEFINITIONS. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "authority" shall mean the Washington state higher education assistance authority, the corporate governmental agency created by section 1 of this 1973 act.

(2) The term "bank" shall mean any bank, bank and trust company, or trust company, savings bank, building and loan association, private bank, or savings and loan association which is organized under the laws of this state or any national banking association, located in the state.

(3) The term "bonds" and "notes" shall mean the bonds and notes, respectively, issued by the authority pursuant to this chapter.

(4) The term "commission" shall mean the commission on higher education created by RCW 28B.81.01C.

(5) The term "council" shall mean the council on higher education created by RCW 28B.80.010.

(6) The term "post-secondary educational institution" shall mean (a) any public or private college, university or community college approved by the commission, and (b) any business, trade, technical, vocational or other occupational school approved by the commission.

(7) The term "disadvantaged or needy student" shall mean a student (a) who is enrolled, or accepted for enrollment, at a post-secondary educational institution located within the state or a student who is a resident of the state and who is enrolled, or accepted for enrollment, at a post-secondary educational institution

wherever located, and (b) who demonstrates to the authority the financial inability, either through his parents, family and/or personally, to meet the total cost of board, room, books, tuition and fees and incidental expenses for any semester or quarter.

(8) The term "federal guaranteed loan program" shall mean the program for the insurance by the federal government of loans to students, enacted by the higher education act of nineteen hundred sixty-five, as amended, and all rules and regulations promulgated thereunder, or any successor legislation thereto providing for similar federal insurance of student loans.

(9) The term "loan" shall mean a loan to a needy or disadvantaged student the principal and interest of which is guaranteed by the federal government pursuant to the federal guaranteed loan program, made for the purpose of assisting such person to meet his expenses of post-secondary education.

(10) The term "state" shall mean the state of Washington.

(11) The term "state agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state.

NEW SECTION. Sec. 4. BOARD OF DIRECTORS OF THE AUTHORITY.

(1) The authority shall be governed and all of its corporate powers exercised by a board of directors which shall consist of the nine citizen members of the council, each of whose term as a member of the authority shall be co-terminus with his term as a citizen member of the council, and six additional members, one of which shall be a student financial aid officer, one of which shall be representative of the banking industry, and two of which shall be students enrolled in a Washington post-secondary educational institution, and two of which shall serve at large appointed by the governor, each of whom shall be of full age, a citizen of the United States and a resident of the state. Prior to the appointment of the student representative the governor shall consult with elected student government officers. The six additional members shall have four year terms except for the two students who shall serve for two years: PROVIDED, That the initial terms of the additional members, except for student members, shall be staggered so that terms shall be for one year, two years, three years, and four years respectively: PROVIDED FURTHER, That the initial terms of the student members shall be staggered so that terms shall be for one year and two years respectively: PROVIDED FURTHER, That a student member's term of office shall be terminated if said student member ceases to be enrolled in a post-secondary educational institution during said term of office.

(2) Vacancies shall be filled for the unexpired terms in the same manner as original appointments.

(3) Directors shall 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.

(4) The board of directors shall elect from its members each year a chairman and vice chairman who shall serve for terms of one year and who shall be eligible for reelection for successive terms.

(5) A majority of the directors of the authority shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the authority, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(6) The board of directors shall adopt bylaws for the authority, and may appoint such officers and employees as it deems advisable, fix their compensation and prescribe their duties, and may delegate to one or more of its members, or its officers, agents or employees, such powers and duties as it may deem proper.

(7) The board of directors may elect an executive committee of not less than six members who, in intervals between meetings of the board, may transact such business of the authority as the board may from time to time authorize. Unless otherwise provided by the bylaws, a majority of the members of such committee shall constitute a quorum for the transaction of any business and the act of a majority of the members of the executive committee present at any meeting shall be deemed the act of such committee.

NEW SECTION. Sec. 5. POWERS OF THE AUTHORITY. Except as otherwise limited by this chapter and subject to Title 34 RCW, the authority shall have power:

- (1) To have a seal and alter the same at pleasure;
- (2) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;
- (3) To sue and be sued;
- (4) To make and alter bylaws for its organization and internal management;
- (5) To acquire, hold and dispose of real and personal property for its corporate purposes;
- (6) Subject to any agreement with bondholders or noteholders, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, (a) in obligations of the state or the United States of America or any agency of either, (b) in obligations the principal and interest of which are guaranteed by the state or the United States of America, (c) in obligations of any corporation wholly owned by the United States of America, (d) in obligations of any corporation sponsored by the United States of America which are or may become eligible as

collateral for advances to member banks as determined by the board of governors of the federal reserve system, or (e) in certificates of deposit or time deposits secured in such manner as the authority shall determine;

(7) To appoint officers, agents and employees, prescribe their duties and qualifications and fix their compensation;

(8) To purchase and contract to purchase loans made by banks, pension funds, credit unions, post-secondary educational institutions, and the commission, all subject to the provisions of section 6 of this 1973 act.

(9) To procure or require the procurement of a policy or policies of group life insurance to insure repayment of loans acquired by the authority in event of the death of the borrower;

(10) Subject to provisions of section 6 of this 1973 act and any agreement with bondholders or noteholders, to renegotiate or refinance any loan in default; to waive any default or consent to the modification of the terms of any loan; to forgive all or part of any loan; and to commence any action or proceeding to protect or enforce any right conferred upon it by law, loan agreement, contract or other agreement;

(11) To prescribe rules and regulations setting forth standards and criteria for the granting of applications for loan purchases, insofar as such standards and criteria are not inconsistent with this chapter;

(12) To make and execute contracts for the administration, servicing or collection of any loan acquired by the authority and pay the reasonable value of services rendered to the authority pursuant to such contracts;

(13) To make, execute, and carry out contracts for the administration, servicing or collection of loans, including National Student Defense Loans, owned by banks and post-secondary educational institutions and to establish, revise from time to time, charge and collect from such banks and post-secondary educational institutions such fees in connection therewith as the authority may determine;

(14) To make, execute, and carry out contracts with any state agency for the collection of amounts voluntarily pledged to the state by recipients of awards under the need grant program administered by the commission and to charge and collect from such agency the reasonable value of its services rendered in connection with such contracts;

(15) Subject to any agreement with bondholders or noteholders, to sell any loans acquired by the authority at public or private sale and at such price or prices and on such terms as the authority shall determine;

(16) Subject to the provisions of the federal guaranteed loan

program, to establish, revise from time to time, charge and collect such premiums or fees in connection with loans and purchases thereof, as the authority shall determine;

(17) Subject to any agreement with bondholders or noteholders, to purchase bonds or notes of the authority, which shall thereupon be canceled, at a price not exceeding (a) if the bonds or notes are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, (b) if the bonds or notes are not then redeemable, the redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to redemption at the option of the authority plus accrued interest to said date, or (c) if the bonds or notes are not redeemable prior to their respective maturities at the option of the authority, one hundred four per centum of the principal amount thereof plus accrued interest to the date of purchase;

(18) To borrow money and to issue negotiable bonds and notes and to provide for the rights of the holders thereof;

(19) To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice;

(20) To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source, and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(21) To promulgate such rules and regulations, not inconsistent with the provisions of the federal guaranteed loan program and subject to the approval of the commission, as are necessary to carry out its functions and duties in the administration of this chapter; and

(22) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this chapter.

NEW SECTION. Sec. 6. PURCHASE OF STUDENT LOANS. (1) The authority may purchase and contract to purchase loans made by banks, pension funds, credit unions, and post-secondary educational institutions located within the state, and from the commission, all upon such terms and conditions as the authority may prescribe by rule or regulation, including, if the seller is a bank, the requirement that such bank make new loans in an amount equal to the purchase price received from the authority: PROVIDED, That the authority shall not purchase a loan to any borrower who is then in default on an outstanding loan unless provisions satisfactory to the authority are made to cure such default.

(2) Notwithstanding anything to the contrary provided in this chapter, the authority may, subject to the provisions of the federal guaranteed loan program, forgive or suspend all or part of the payment of any loan pursuant to such rules or regulations as the authority shall prescribe: PROVIDED, That the authority shall not so forgive or suspend any such payment, unless it shall, on behalf of the borrower and on such terms and conditions as it shall deem proper, set apart and apply an amount equal to the payment so forgiven or suspended from available funds of the authority not required by the terms of any bond resolution for the payment of principal of or interest on bonds payable during the current state fiscal year or the current operating expenses of the authority.

(3) Any person otherwise qualifying for a loan from a bank, pension fund, credit union, post-secondary educational institution or the commission shall not be disqualified by reason of his being under the age of majority. For the purposes of applying for, receiving and repaying such a loan, any such person shall be deemed to have full legal capacity to act, and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto. In no event shall lack of legal capacity to act by reason of nonage be a defense to an action or claim based upon a loan made by a bank, pension fund, credit union, post-secondary educational institution or the commission, or upon a loan held by the authority.

NEW SECTION. Sec. 7. BONDS AND NOTES OF THE AUTHORITY. (1) The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds and notes in conformity with the applicable provisions of the uniform commercial code in such principal amounts as, in the opinion of the authority, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including the purchase of loans as provided in this chapter, the payment of interest on bonds and notes of the authority, establishment of reserves to secure such bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2) Except as may otherwise be expressly provided by the authority, all bonds and notes issued by the authority shall be general obligations of the authority, secured by the full faith and credit of the authority and payable out of any moneys, assets, or revenues of the authority, subject only to any agreement with bondholders or noteholders pledging any particular moneys, assets or revenues. In no event shall any bonds or notes constitute an obligation, either general or special, of the state; nor shall the authority have the power to pledge the credit or taxing power of the state or to make its debts payable out of any moneys except those of the authority.

(3) Bonds and notes shall be authorized by a resolution or resolutions of the authority adopted as provided by this chapter: PROVIDED, That any such resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the authority the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certificate of such authorized officer.

(4) Such bonds

(a) Shall state (i) the date of issue; (ii) the series of the issue and be consecutively numbered within the series; and (iii) that the bond is payable both as to principal and interest solely out of the assets of the authority and does not constitute an obligation, either general or special, of the state; and

(b) Shall be (i) either registered, registered as to principal only, or in coupon form; (ii) issued in such denominations as the authority may prescribe; (iii) fully negotiable instruments under the laws of this state; (iv) signed on behalf of the authority with the manual or facsimile signature of the chairman or vice-chairman of the board, attested by the manual or facsimile signature of the secretary of the board, have the seal of the authority impressed thereon or a facsimile of such seal printed or lithographed thereon, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman or vice-chairman and secretary; (v) payable as to interest at such rate or rates and at such time or times as the authority may determine; (vi) payable as to principal at such times over a period not to exceed forty years from the date of issuance, at such place or places, and with such reserved rights of prior redemption, as the authority may prescribe; (vii) sold at such price or prices, at public or private sale, and in such manner as the authority may prescribe; and the authority may pay all expenses, premiums and commissions which it deems necessary or advantageous in connection with the issuance and sale thereof; and (viii) shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal, redemption premiums, if any, and interest and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400 and this chapter, as may be found to be necessary by the authority for the most advantageous sale thereof, which may include, but not be limited to, covenants with the holders of the bonds as to:

(A) pledging or creating a lien, to the extent provided by such resolution or resolutions, on all or any part of any moneys or property of the authority or of any moneys held in trust or otherwise by others for the payment of such bonds;

(B) otherwise providing for the custody, collection, securing,

investment and payment of any moneys of or due to the authority;

(C) the setting aside of reserves or sinking funds and the regulation or disposition thereof;

(D) limitations on the purpose to which the proceeds of sale of any issue of such bonds then or thereafter to be issued may be applied;

(E) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and upon the refunding of outstanding or other bonds;

(F) the procedure, if any, by which the terms of any contract with the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(G) the creation of special funds into which any moneys of the authority may be deposited;

(H) vesting in a trustee or trustees such properties, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed pursuant to section 9 of this 1973 act, in which event the provisions of such section authorizing appointment of a trustee shall not apply; or limiting or abrogating the right of the holders of bonds to appoint a trustee under such section or limiting the rights, duties and powers of such trustee;

(I) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the authority and providing for the rights and remedies of the holders of bonds in the event of such default: PROVIDED, That such rights and remedies shall not be inconsistent with the general laws of this state and other provisions of this chapter; and

(J) any other matters of like or different character, which in any way affect the security and protection of the bonds and the rights of the holders thereof.

(5) The authority is authorized to provide for the issuance of its bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the redemption date next succeeding the date of delivery of such refunding bonds. The proceeds of any such bonds issued for the purpose of so refunding outstanding bonds shall be forthwith applied to the purchase or retirement of such outstanding bonds or the redemption of such outstanding bonds on the redemption date next succeeding the date of delivery of such refunding bonds and may, pending such application, be placed in escrow to be applied to such purchase or retirement or redemption on such date. Any such escrowed proceeds, pending such use, may be invested and reinvested only in obligations of or

guaranteed by the state or the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, on the outstanding bonds to be so refunded by purchase, retirement or redemption, as the case may be. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded by purchase, retirement or redemption, as the case may be. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner. All such bonds shall be issued and secured and shall be subject to the provisions of this chapter in the same manner and to the same extent as any other bonds issued pursuant to this chapter.

(6) The authority is authorized to issue negotiable bond anticipation notes and may renew the same from time to time but the maximum maturity of such notes, including renewals thereof, shall not exceed seven years from the date of issue of such original notes. Such notes shall be payable from any moneys of the authority available therefor and not otherwise pledged or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes may be issued for any corporate purpose of the authority. The notes shall be issued in the same manner as the bonds and such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations, not inconsistent with the provisions of this subdivision, which the bonds or a bond resolution of the authority may contain. Such notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of the authority.

(7) It is the intention of the legislature that any pledge of earnings, revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the earnings, revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(8) Neither the members of the authority nor any person executing the bonds or other obligations shall be liable personally

on the bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

NEW SECTION. Sec. 8. RESERVE FUNDS. The authority may create and establish one or more reserve funds to be known as debt service reserve funds and pay into any such reserve fund (a) any proceeds of sale of bonds and notes to the extent provided in the resolution of the authority authorizing the issuance thereof, (b) any moneys directed to be transferred by the authority to such debt service reserve fund, and any other moneys made available to the authority for the purposes of such fund from any other source or sources. The moneys held in or credited to any debt service reserve fund established under this subsection, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the authority secured by such debt service reserve fund, as the same mature, required payments to any sinking fund established for the amortization of such bonds (hereinafter referred to as "sinking fund payments"), the purchase or redemption of such bonds of the authority, the payment of interest on such bonds of the authority or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity. Moneys in such fund shall not be withdrawn therefrom at any time in such amount as would reduce the amount of such fund to less than the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund, except for the purpose of paying principal, sinking fund payments, if any, and interest on such bonds of the authority secured by such reserve fund maturing and becoming due for the payment of which other moneys of the authority are not available. Any income or interest earned by, or increment to, any such debt service reserve fund due to the investment thereof may be transferred to any other fund or account of the authority to the extent it does not reduce the amount of such debt service reserve fund below the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund. Moneys in any debt service reserve fund not required for immediate use or disbursement may be invested in accordance with the provisions of subsection (6) of section 5 of this 1973 act. In computing the amount of any debt service reserve fund for the purposes of this section, securities in which all or a portion of such reserve fund are invested shall be valued at par or, if purchased at other than par, at their amortized cost to the authority. If the authority shall create and establish one or more debt service reserve funds as herein provided, the authority shall not issue bonds at any time if the amount of any debt service reserve fund at the time of issuance thereof does not equal or exceed the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund, unless

the authority, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds to be issued, or otherwise, an amount which together with the amount then in such reserve fund, shall be not less than the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund. The authority may create and establish such other reserve funds as it shall deem advisable and necessary.

NEW SECTION. Sec. 9. REMEDIES OF BONDHOLDERS AND NOTEHOLDERS. (1) In the event that the authority shall default in the payment of principal or of interest on any issue of bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of any issue of bonds or notes, the holders of twenty-five per centum in aggregate principal amount of the bonds or notes of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds or notes for the purposes herein provided.

(2) Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such issue of bonds or notes then outstanding shall, in his or its own name,

(a) enforce all rights of the bondholders or noteholders, including the right to require the authority to collect interest and principal payments on the loans held by it adequate to carry out any agreement as to, or pledge of, such interest and principal payments, and to require the authority to carry out any other agreements with the holders of such bonds or notes and to perform its duties under this chapter;

(b) bring suit upon such bonds or notes;

(c) by action or suit, require the authority to account as if it were the trustee of an express trust for the holders of such bonds or notes;

(d) by action or suit, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes;

(e) declare all such bonds or notes due and payable and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum of the principal amount of such issue of bonds or notes then outstanding, to annul such declaration and its consequences.

(3) Such trustee shall in addition to the foregoing have and

possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

(4) Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days' notice in writing to the governor, to the authority, and to the attorney general of the state.

(5) The superior court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action, or proceeding shall be laid in the county in which the principal office of the authority is located.

NEW SECTION. Sec. 10. STATE AND MUNICIPALITIES NOT LIABLE ON BONDS AND NOTES. The bonds, notes and other obligations of the authority shall not be a debt of the state of Washington or of any municipality, and neither the state nor any municipality shall be liable thereon, nor shall they be payable out of any funds other than those of the authority.

NEW SECTION. Sec. 11. AGREEMENT OF THE STATE. The state of Washington does hereby pledge to and agree with the holders of any bonds or notes issued under this chapter that the state will not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the holders thereof, or in any way impair the rights and remedies of such holders until such bonds or notes together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds or notes.

NEW SECTION. Sec. 12. BONDS AND NOTES AS LEGAL INVESTMENTS FOR PUBLIC OFFICERS AND FIDUCIARIES. The bonds and notes of the authority are hereby made securities in which all public officers and bodies of this state, including without limitation the state employees' retirement fund and the public school employees' retirement fund, and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bank and trust companies, trust companies, private banks, savings banks, savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and

legally invest funds including capital in their control or belonging to them. The bonds and notes are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

NEW SECTION. Sec. 13. TAX EXEMPTION AND DEDUCTIONS. (1) It is hereby determined that the creation of the authority is in all respects for the benefit of the people of the state, for the improvement of their health and welfare, and for the promotion of the economy, and that said purposes are public purposes and the authority will be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter, and the state covenants with the purchasers and all subsequent holders and transferees of bonds and notes issued by the authority, in consideration of the acceptance of and payment for the bonds and notes, that the bonds and notes of the authority issued pursuant to this chapter and the income therefrom shall at all times be free from taxation, except for estate or gift taxes and taxes on transfers.

(2) The property of the authority and its income and operations shall be exempt from taxation and assessments of every kind and nature, other than assessments for local improvements. The authority shall not be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf.

(3) Notwithstanding the provisions of any general or special law or the provisions of any certificate of incorporation, charter or other articles of organization, all domestic corporations or associations organized for the purpose of carrying on business in the state and all persons are hereby authorized to make contributions to the authority and a sum equal to any such contribution may be deducted from any tax imposed by the provisions of Title 82 RCW.

NEW SECTION. Sec. 14. MONEYS OF THE AUTHORITY. (1) All moneys of the authority from whatever source derived, except as otherwise authorized or provided in this chapter, shall be paid to the treasurer of the authority and shall be deposited forthwith in a bank or banks in the state designated by the authority. The moneys in such accounts shall be withdrawn on the order of such person or persons as the authority may authorize. All deposits of such moneys shall, if required by the authority, be secured in such manner as the authority may determine. The state auditor and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its

financial standing; the authority shall not be required to pay a fee for any such examination.

(2) The authority shall have power to contract with holders of any of its bonds or notes as to the custody, collection, securing, investment, and payment of any moneys of the authority, of any moneys held in trust or otherwise for the payment of bonds or notes, and to carry out such contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of such moneys may be secured in the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits.

(3) Subject to the provisions of any contract with bondholders or noteholders and to the approval of the state auditor, the authority shall prescribe a system of accounts.

(4) The authority shall submit to the governor, president pro tempore of the senate, speaker of the house of representatives, and the state auditor, within thirty days of the receipt thereof by the authority, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of such examinations made by the state auditor.

NEW SECTION. Sec. 15. LIMITATION OF LIABILITY. Neither the members of the authority, nor any person or persons acting in its behalf, while acting within the scope of their authority, shall be subject to any personal liability resulting from carrying out any of the powers expressly given in this chapter.

NEW SECTION. Sec. 16. ASSISTANCE BY STATE OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS. (1) The commission, council, attorney general and state treasurer, and all other state agencies may render such services to the authority within their respective functions as may be requested by the authority.

(2) Upon request of the authority, any state agency is hereby authorized and empowered to transfer to the authority such officers and employees as it may deem necessary from time to time to assist the authority in carrying out its functions and duties under this chapter. Officers and employees so transferred shall not lose their civil service status or rights.

NEW SECTION. Sec. 17. ANNUAL REPORT. The authority shall submit to the governor, the president pro tempore of the senate, speaker of the house of representatives and the state auditor, within six months after the end of its fiscal year, a complete and detailed report setting forth: (1) Its operations and accomplishments; (2) its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes, including a listing of all private consultants engaged by the authority on a contract basis

and a statement of the total amount paid to each such private consultant; (3) its assets and liabilities at the end of its fiscal year and the status of reserve, special or other funds; and (4) a schedule of its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year.

NEW SECTION. Sec. 18. COURT PROCEEDINGS; PREFERENCES; VENUE. Any action or proceeding to which the authority or the people of the state of Washington may be a party, in which any question arises as to the validity of this chapter, shall be preferred over all other civil causes in all courts of the state of Washington and shall be heard and determined in preference to all other civil business pending therein irrespective of position on the calendar. The same preference shall be granted upon application of counsel to the authority in any action or proceeding questioning the validity of this chapter in which he may be allowed to intervene. The venue of any such action or proceeding shall be laid in the county in which the principal office of the authority is located.

NEW SECTION. Sec. 19. CORPORATE EXISTENCE. The authority and its corporate existence shall continue until terminated by law: PROVIDED, That no such law shall take effect so long as the authority shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof. Upon termination of the existence of the authority, all its rights and properties in excess of its obligations shall pass to and be vested in the state.

NEW SECTION. Sec. 20. INCONSISTENT PROVISIONS OF OTHER LAWS SUPERSEDED. Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special or local, the provisions of this chapter shall be controlling.

NEW SECTION. Sec. 21. CONSTRUCTION. This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes.

NEW SECTION. Sec. 22. SEVERABILITY. If any provision of this 1973 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. 23. APPROPRIATION. There is hereby appropriated from the general fund the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, to the authority for the biennium ending June 30, 1975 for the payment of expenses of the authority in carrying out the provisions of sections 1 through 21 of this 1973 act: PROVIDED, HOWEVER, That no portion of the sum hereby appropriated shall be available, or shall be used by the authority, for the purchase of any loans as provided in section 6

of this 1973 act, for the payment of any principal of, or redemption premium or interest on any bonds or notes of the authority issued pursuant to section 7 of this 1973 act, or for deposit in any debt service reserve fund created pursuant to section 8 of this 1973 act.

NEW SECTION. Sec. 24. Sections 1 through 21 of this 1973 act are hereby added to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof.

NEW SECTION. Sec. 25. EMERGENCY. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 14, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 121

[Engrossed Senate Bill No. 2425]

ELECTIONS--WRITE-IN VOTING--

EXCLUSIONS

AN ACT Relating to elections; amending section 29.51.170, chapter 9, Laws of 1965 as last amended by section 28, chapter 109, Laws of 1967 ex. sess. and RCW 29.51.170; and amending section 29.54.050, chapter 9, Laws of 1965 as amended by section 11, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.050.

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

Section 1. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 28, chapter 109, Laws of 1967 ex. sess. and RCW 29.51.170 are each amended to read as follows:

At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary: PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name: AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the

canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated.

Sec. 2. Section 29.54.050, chapter 9, Laws of 1965 as amended by section 11, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.050 are each amended to read as follows:

Ballots must be rejected if:

- (1) Two are found folded together;
- (2) Marked so as to identify who the voter is: PROVIDED, That this subsection (2) shall not apply to absentee ballots;
- (3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots must not be counted which:

- (1) Designate more persons for an office than are to be elected to that office;
- (2) Are not in compliance with section 1 of this 1973 amendatory act;

{3} Are not marked with sufficient definiteness to determine the voter's choice or intention: PROVIDED, That no ballot or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 122

[Engrossed Senate Bill No. 2490]

CRIME VICTIMS--

COMPENSATION

AN ACT Relating to special proceedings; providing benefits to victims

of crime; adding a new section to Title 7 RCW; repealing section 1, chapter 72, Laws of 1972 ex. sess. and RCW 72.66.100; and prescribing an effective date.

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

NEW SECTION. Section 1. INTENT. It is the intent of the legislature of the state of Washington to provide a method of compensating and assisting those residents of the state who are innocent victims of criminal acts and who suffer bodily injury or death as a consequence thereof. To that end, it is the intention of the legislature to make certain of the benefits and services which are now or hereafter available to injured workmen under Title 51 RCW also available to innocent victims of crime as defined and provided for in this chapter.

NEW SECTION. Sec. 2. DEFINITIONS. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries;

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a resident of the state who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent

partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW.

NEW SECTION. Sec. 3. DUTIES OF DEPARTMENT. GENERAL PROVISIONS. It shall be the duty of the director to establish and administer a program of benefits to victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter 34.04 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter.

NEW SECTION. Sec. 4. CIVIL ACTIONS AGAINST STATE AND JURISDICTION OF COURTS ABOLISHED. In keeping with the intent of the legislature as set forth in section 1 of this act, all civil actions and civil causes of action against the state for injury or death as a consequence of a criminal act, and all jurisdiction of the courts of the state over such causes, are hereby abolished except as in this chapter provided.

NEW SECTION. Sec. 5. RIGHT OF ACTION AGAINST PERPETRATOR. No right of action at law against a person who has committed a criminal act, for damages as a consequence of such act, shall be lost as a consequence of receiving benefits under the provisions of this chapter. In the event any person receiving benefits under this chapter additionally seeks a remedy for damages from the person or persons who have committed the criminal act resulting in damages, then and in that event the department shall be subrogated to and have a lien upon any recovery so made to the extent of the payments made by the department to or on behalf of such person under this chapter.

NEW SECTION. Sec. 6. APPLICATIONS FOR BENEFITS. For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if an application for benefits is not received by the department within one hundred eighty days after the date of injury or one hundred twenty days after the date of death of the victim, or the rights of dependents or beneficiaries accrued, if such is the case.

NEW SECTION. Sec. 7. BENEFITS--RIGHT TO AND AMOUNT. The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW except as provided in this section:

(1) The provisions contained in RCW 51.32.005, 51.32.015, 51.32.030, 51.32.070, 51.32.073, 51.32.180, 51.32.190 and 51.32.200

as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought was the result of consent, provocation or incitement by the victim, was the result of an act or acts committed by a person residing with the victim or who is a spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, when the person injured sustained his injury as a result of his assisting, attempting, or committing a criminal act, or occurred while the victim was resident in any county or city jail or any state institution maintained and operated by the department of social and health services.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event of the death of a victim who was not gainfully employed at the time of death, and who was not so employed for at least three of the twelve months immediately preceding injury, benefits payable to an eligible surviving spouse shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to children; if no spouse survives, then such burial expenses shall be paid, and each eligible child shall receive a lump sum payment of two thousand five hundred dollars. No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim who is permanently totally disabled was not gainfully employed at the time of his injury, "wages", for the purpose of calculation of benefits, where required, shall be deemed to be the average monthly wage determined pursuant to RCW 51.08.018 as now or hereafter amended.

(6) The benefits established in RCW 51.32.080 as now or

hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter unless such person was gainfully employed at the time of his injury.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter.

NEW SECTION. Sec. 8. MEDICAL AID. The provisions of chapter 51.36 RCW shall govern the provision of medical aid under this chapter except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended shall not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation shall not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to section 9 of this act.

NEW SECTION. Sec. 9. ESTABLISHMENT OF FUNDS. The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed.

NEW SECTION. Sec. 10. PHYSICIANS' REPORTING. The requirements relating to physicians' reporting contained in RCW 51.36.060 and 51.48.060 as now or hereafter amended shall apply under

this chapter. Any funds collected pursuant to RCW 51.48.060 as now or hereafter amended shall be paid into the fund established pursuant to section 9 of this act.

NEW SECTION. Sec. 11. APPEALS. The provisions contained in chapter 51.52 RCW relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended.

NEW SECTION. Sec. 12. REIMBURSEMENT. Any person who has committed a criminal act which resulted in injury compensated under this chapter may be required to make reimbursement to the department as hereinafter provided.

(1) Any payment of benefits to or on behalf of a victim under this chapter creates a debt due and owing to the department by any person found to have committed such criminal act in either a civil or criminal court proceeding in which he is a party: PROVIDED, That where there has been a superior or district court order, or an order of the board of prison terms and paroles or the department of social and health services, as hereinafter provided, the debt shall be limited to the amount provided for in said order. A court order shall prevail over any other order.

(2) Upon being placed on work release pursuant to chapter 72.65 RCW, or upon release from custody of a state correctional facility on parole, any convicted person who owes a debt to the department as a consequence of a criminal act may have the schedule or amount of payments therefor set as a condition of work release or parole by the department of social and health services or board of prison terms and paroles respectively, subject to modification based on change of circumstances. Such action shall be binding on the department.

(3) Any requirement for payment due and owing the department by a convicted person under this chapter may be waived, modified downward or otherwise adjusted by the department in the interest of justice and the rehabilitation of the individual.

NEW SECTION. Sec. 13. COLLATERAL RESOURCES. Benefits paid pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available. Payment by the department under this chapter shall be secondary to such other insurance or benefits, notwithstanding the provision of any contract or coverage to the contrary.

NEW SECTION. Sec. 14. CONFIDENTIALITY. Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant.

NEW SECTION. Sec. 15. All benefits and payments made, and all administrative costs accrued, pursuant to this chapter shall be funded and accounted for separate from the other operations and responsibilities of the department.

NEW SECTION. Sec. 16. Any person who has been injured as a result of a "criminal act" as herein defined on or after January 1, 1972 up to the effective date of this 1973 act, who would otherwise be eligible for benefits under this 1973 act, may for a period of ninety days from the effective date of this 1973 act, file a claim for benefits with the department on a form provided by the department. The department shall investigate and review such claims, and, within two hundred ten days of the effective date of this 1973 act, shall report to the legislative budget committee and the governor its findings and recommendations as to such claims, along with a statement as to what special legislative relief, if any, the department recommends should be provided.

NEW SECTION. Sec. 17. EFFECTIVE DATE. This chapter shall take effect on July 1, 1974.

NEW SECTION. Sec. 18. REPEALER. Section 1, chapter 72, Laws of 1972 ex. sess. and RCW 72.66.100 are each hereby repealed.

NEW SECTION. Sec. 19. NEW CHAPTER. Sections 1 through 18 of this act shall constitute a new chapter in Title 7 RCW.

NEW SECTION. Sec. 20. Section captions as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 21. This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect.

Passed the Senate March 20, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 123

[Engrossed Senate Bill No. 2491]

ADULT PROBATION SERVICES--SPECIAL ADULT
SUPERVISION PROGRAMS

AN ACT Relating to adult probation services; authorizing the department of social and health services to make payment of state funds to counties for special adult supervision programs; creating a new chapter in Title 9 RCW; and prescribing an effective date.

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

NEW SECTION. Section 1. It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to permit a more even administration of justice in the courts, to rehabilitate adult offenders, and to reduce the necessity for commitment of adults to either state or county institutions for convicted persons by developing, strengthening and improving both public and private resources available in the local communities and counties and the care, treatment and supervision of adults placed in "special adult supervision programs" by the courts of this state.

NEW SECTION. Sec. 2. From any state moneys made available for such purpose, the state of Washington, through the department of social and health services, shall, in accordance with this chapter, share in the cost of supervising and providing services for persons processed in the courts as nondangerous adults who could otherwise be committed by the superior courts to the custody of the department of social and health services, but who are instead granted probation and placed in "special adult supervision programs".

NEW SECTION. Sec. 3. AS used in this chapter:

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Special adult supervision program" means a program (a) directly operated by the county or (b) provided for by the county by purchase, contract or agreement, or (c) a combination of subsections (a) and (b), which embodies a degree of supervision substantially above or better than the usual, individualized so as to deal with the individual and his family in the context of his total life, or which embodies the use of new techniques in addition to, or instead of, routine supervision techniques or those otherwise or ordinarily available in the applying county, and which meets the standards prescribed pursuant to this chapter. A person may only be placed in a special adult supervision program pursuant to court order. The

court is hereby authorized to make such order.

(4) "Deferred prosecution" means a special supervision program, for an individual, ordered for a specified period of time by the court prior to a guilty plea to, or a trial on, a felony charge, pursuant to either:

(a) A written agreement of the prosecuting attorney, defendant, and defense counsel, with concurrence by the court; or

(b) A motion by the prosecuting attorney or defendant, the court being satisfied based upon all appropriate evidence, that a deferred prosecution program for the indicated individual is in the best interests of society and of the individual.

A deferred prosecution program shall provide that at the end of the court ordered specified time, if the defendant has satisfied all the conditions of the program, the charge shall be dismissed; but if the defendant does not meet any of the conditions of the program at any time prior to completion of the specified period, the court may enter an order rescinding the deferred prosecution program and authorizing the prosecution to proceed.

The court is hereby authorized to make such orders as are described in this section.

(5) "County" means one county or two or more counties acting jointly or in combination by agreement.

(6) "Court" means a superior court of the state of Washington for a county or judicial district.

NEW SECTION. Sec. 4. The department of social and health services shall adopt rules prescribing minimum standards for the operation of "special adult supervision programs," including those authorized in section 7 of this act, and such other rules as may be necessary for the administration and implementation of the provisions of this chapter. Such standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices. The secretary shall seek advice from appropriate county and local officials as well as concerned and involved private citizens in developing standards and procedures for the content and operation of "special adult supervision programs", but the implementation of all such programs shall first be approved by the secretary.

NEW SECTION. Sec. 5. Any county may make application to the department in the manner and form prescribed by the department for financial aid for the cost of "special adult supervision programs". Any such application must include a comprehensive plan or plans developed for providing special adult supervision programs for appropriate persons, and a method of certifying that moneys received are spent only for such "special adult supervision programs".

NEW SECTION. Sec. 6. No county shall be entitled to receive

any state funds provided for the purposes of this chapter until its application is approved, and unless and until the standards prescribed by the department are complied with, and then only on such terms as are set forth in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department. The base commitment rate shall be determined by computing the ratio of the number of persons convicted of felonies and committed to state correctional institutions for convicted felons to the number of persons convicted of felonies, such ratio to be expressed as a rate per hundred persons convicted of felonies for each of the calendar years 1966 through 1970: PROVIDED, That deferred prosecution, deferred and suspended sentences pursuant to Chapters 9.95 RCW and 9.92 RCW, as well as other convictions of felonies shall, for purpose of these computations only, be counted as "convictions of felonies". The average of these rates for a county for the five year period, or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, FURTHER, That a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described in this subsection.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1) of this section. In addition, the department shall at the same time determine the number of persons placed in special adult supervision programs in each participating county.

(3) The "commitment reduction number" is the amount obtained by subtracting (a) the product of the most recent annual commitment rate and the number of persons convicted of felonies in the county for the same year, from (b) the product of the base commitment rate and the number of persons convicted of felonies in the county for the same year employed in (a).

(4) Except as provided in this chapter, the amount that may be paid to a county pursuant to this chapter shall not exceed the actual cost of the operation of a special adult supervision program. Reimbursement shall be computed by multiplying the commitment reduction number by actual program cost or four thousand eight hundred dollars, whichever is less; and by adding thereto the product obtained by multiplying (a) the number of persons charged with or convicted of felonies in excess of the commitment reduction number who have been placed in a special adult supervision program, if any, by (b) actual program cost or three thousand dollars, whichever is less: PROVIDED, That reimbursement shall not be authorized when a

county exceeds its base commitment rate.

Notwithstanding the limitations set forth in this subsection, there shall be paid to the county on account of each person placed in a deferred prosecution special adult supervision program, one hundred fifteen percent of the amount paid on account of each person placed in a special adult supervision program, but not in a deferred prosecution program.

(5) The secretary shall reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate, and placing appropriate persons in special adult supervision programs. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(6) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary, the secretary may pay to the county a sum not to exceed actual program expenditures: PROVIDED, That in subsequent periods the county will be paid only the amount earned.

(7) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (4) of this section, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(8) Funds received by participating counties pursuant to this chapter shall not be used to replace local funds for existing programs for adults on probation based on either felony or misdemeanor offenses. Such funds may also not be used to develop or build county institutional programs or facilities, except such as qualify pursuant to section 4 of this act.

(9) Any county averaging less than twenty felony commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) of this section may:

(a) Apply for subsidies under subsections (1) through (7) of this section; or

(b) As an alternative, elect to receive from the state the salary of one full-time probation officer and related employee benefits; or

(c) Elect to receive from the state the salary and related

employee benefits of one full-time additional probation officer, and in addition, reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not exceed a maximum limit established by the secretary; or

(d) Elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not exceed a maximum limit established by the secretary.

(10) In the event a county chooses one of the alternative proposals set forth in subparagraphs (b), (c) or (d) of subsection (9) of this section, it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of services to provide supervision of persons eligible for state commitment and in special adult supervision programs, and are paid in accordance with a salary schedule adopted by rule of the department, and:

(a) If its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) If its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by four its own base commitment rate.

(11) Where any county does not have a probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties by agreement mutually provide special adult supervision program services for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with such services were one geographical unit.

(12) Notwithstanding the limitations imposed by this section, the secretary may make additional reimbursement of not to exceed ten percent of earnings pursuant to sections 1 through 6 of this act to counties operating and providing special adult supervision program services mutually, jointly, or in combination, in accordance with rules and standards adopted by the secretary.

NEW SECTION. Sec. 7. In the event a participating county elects to broaden its special adult supervision program to provide services and care for misdemeanor offenders, the county, either itself or acting jointly with another county or city, may receive from any state moneys made available for such purpose an additional reimbursement of program costs not to exceed thirty percent of its earnings pursuant to sections 1 through 6 of this act: PROVIDED, That to receive such additional reimbursement, the county, or combination of counties or county and city, must provide a like sum for the purpose of equally matching the state's payment for

misdeemeanant offender special supervision programs.

NEW SECTION. Sec. 8. The secretary may make pro rata payments to eligible counties for periods of less than one year, but for periods of not less than six months, upon satisfactory demonstration of a reduction in commitments and placement of persons in special adult supervision programs in accordance with the provisions of this chapter and the regulations of the department of social and health services.

NEW SECTION. Sec. 9. Notwithstanding any other provision of this chapter, for the first twelve month period of a county's participation, the county shall be paid no less than the product obtained by multiplying (a) the number of persons charged with or convicted of felonies who have been placed in a special adult supervision program, by (b) the actual program cost or three thousand dollars, whichever is less.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 11. The effective date of this act shall be January 1, 1974.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 124

[Senate Bill No. 2552]

PUGET SOUND RESERVE ACCOUNT

AN ACT Relating to revenue and taxation; amending section 46.68.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 24, Laws of 1972 ex. sess. and RCW 46.68.100; amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 24, Laws of 1972 ex. sess. and RCW 82.36.020; and amending section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.190.

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

Section 1. Section 46.68.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 24, Laws of 1972 ex. sess. and RCW 46.68.100 are each amended to read as follows:

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) ((To the cities and towns of the state sums equal to ten

and twenty-five hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from July 1, 1972 through June 30, 1976)) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) ((To the counties of the state sums equal to thirty-two and four hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from July 1, 1972 through June 30, 1976)) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) ((To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-six and twenty-eight hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from July 1, 1972 through June 30, 1976)) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) ((To the Puget Sound ferry operations account in the motor vehicle fund sums equal to one and forty-three hundredths percent of the net tax amount to be paid monthly as the same accrues: PROVIDED, That from July 1, 1972 through June 30, 1976)) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels.

Sec. 2. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 24, Laws of 1972 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid

to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) ((Seven cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended: PROVIDED, That from July 1, 1972 through June 30, 1976;)) Six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) ((One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350: PROVIDED, That from July 1, 1972 through June 30, 1976;)) Three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Sec. 3. Section 19, chapter 22, Laws of 1963 ex. sess. as amended by section 5, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.190 are each amended to read as follows:

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to

the state auditor.

The proceeds of the motor vehicle fuel importer use tax imposed by chapter 82.37 RCW shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020, as amended in section 2 of ((chapter 83, Laws of 1967 extraordinary session)) this 1973 amendatory act.

Passed the Senate March 9, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 125

[Engrossed Substitute Senate Bill No. 2554]

ANIMALS--CRUELTY PREVENTION--

COUNTY AUTHORITY

AN ACT Relating to animals; amending section 1, chapter 146, Laws of 1901 and RCW 16.52.020; and adding a new section to chapter 146, Laws of 1901 and to chapter 16.52 RCW.

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

Section 1. Section 1, chapter 146, Laws of 1901 and RCW 16.52.020 are each amended to read as follows:

Any citizens of the state of Washington who have heretofore, or who shall hereafter, incorporate as a body corporate, under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may avail themselves of the privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180: PROVIDED, That the ((corporate body existing at any given time and first incorporated as aforesaid in any county, shall be the only one entitled to the benefits and privileges of RCW 16.52.040 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180 in such county)) legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter.

Passed the Senate March 31, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 126

[Senate Bill No. 2590]

URBAN ARTERIAL TRUST ACCOUNT FUNDS--
PRELIMINARY PROPOSALS--PAYMENT
AUTHORITY

AN ACT Relating to urban arterials; amending section 32, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.260; amending section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 3, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.190; amending section 6, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.450; and adding new sections to chapter 47.26 RCW.

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

Section 1. Section 32, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.260 are each amended to read as follows:

(1) Upon completion of a preliminary proposal, the county or city submitting said proposal shall submit to the urban arterial board its voucher for payment of the trust account share of the cost. Upon the completion of an approved urban arterial construction project, the county or city constructing the project shall submit to the urban arterial board its voucher for the payment of the trust account share of the cost. The chairman of the urban arterial board or his designated agent shall approve such voucher when proper to do so, for payment from the urban arterial trust account to the county or city submitting the voucher.

(2) The urban arterial board may adopt regulations providing for the approval of payments of funds in the urban arterial trust account to a county or city for costs of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment.

Sec. 2. Section 25, chapter 83, Laws of 1967 ex. sess. as last amended by section 3, chapter 291, Laws of 1971 ex. sess. and RCW 47.26.190 are each amended to read as follows:

Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds except calculation of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission.

Sec. 3. Section 6, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.450 are each amended to read as follows:

At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible ((finally approve in whole or in part the construction program for each county and city for the expenditure of funds from the urban arterial trust account during the ensuing biennium)) approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed projects is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220.

NEW SECTION. Sec. 4. The term "preliminary proposal" as used in this chapter means the preliminary engineering, right of way appraisal and the data collection, analysis and reporting of the environmental impact of a project.

NEW SECTION. Sec. 5. The term "construction project" as used in this chapter shall mean all work and necessities subsequent to the preliminary proposal and through to completion.

NEW SECTION. Sec. 6. Sections 5 and 6 of this 1973 amendatory act shall be added to chapter 47.26 RCW.

Passed the Senate April 8, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 127

[Engrossed Senate Bill No. 2614]
INHERITANCE TAX--DEFERRAL REDUCTION--
TRUST CORPUS REDUCTION

AN ACT Relating to taxation; and adding a new section to chapter 83.16 RCW.

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

NEW SECTION. Section 1. There is added to chapter 83.16 RCW a new section to read as follows:

When the estate consists of a trust with a life estate in the surviving spouse and a remainder and the surviving spouse has the power to invade the corpus of the trust and where payment of a tax has been deferred on the beneficial interest in a remainder pursuant to RCW 83.16.020, the surviving spouse shall pay tax on the invasion within sixty days of the receipt thereof and shall receive a reduction of the deferred tax and a reduction of the bond or return of security filed to the extent the surviving spouse by exercise of the power to invade the corpus reduces the remainder. The surviving spouse may not file a claim for such reduction with the department more often than once each calendar year. The amount of the reduction shall be determined by applying to the value of the remainder interest at date of death a fraction the numerator of which is the present amount of the reduction of the remainder and denominator of which is the present amount of the remainder.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 128

[Engrossed Senate Bill No. 2621]
SNOWMOBILES--DECALS--TAX DISTRIBUTION--
JURISDICTION

AN ACT Relating to snowmobiles; amending section 4, chapter 29, Laws of 1971 ex. sess. as amended by section 20, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.040; amending section 7, chapter 29, Laws of 1971 ex. sess. as amended by section 21, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.070; amending section 8, chapter 29, Laws of 1971 ex. sess. as

amended by section 22, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.080; amending section 15, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.150; adding a new section to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW; creating new sections; and declaring an emergency.

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

Section 1. Section 4, chapter 29, Laws of 1971 ex. sess. as amended by section 20, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.040 are each amended to read as follows:

Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of five dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual

cost of said decal, up to fifty cents per pair of decals. The department shall make available replacement decals for a fee of one dollar and fifty cents per pair.

Sec. 2. Section 7, chapter 29, Laws of 1971 ex. sess. as amended by section 21, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.070 are each amended to read as follows:

The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon (the right side of the front cowling of said snowmobile on a plate of such size as authorized by the department of motor vehicles) each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed.

Sec. 3. Section 8, chapter 29, Laws of 1971 ex. sess. as amended by section 22, chapter 153, Laws of 1972 ex. sess. and RCW 46.10.080 are each amended to read as follows:

The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county general fund and expended to defray the cost of administering this chapter.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes; PROVIDED, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in section 4 of this 1973 amendatory act, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year of the biennium shall revert to the development and operation fund of the commission.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the

development or operation of snowmobile facilities, but not on the acquisition or operation thereof. The commission, the department of natural resources and the department of game shall, not later than March 1st of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended.

Sec. 4. Section 15, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.150 are each amended to read as follows:

From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund(, and such amounts shall be credited, in equal amounts, to the commission, the department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition of snowmobile facilities) twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited, in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition, of snowmobile facilities.

NEW SECTION. Sec. 5. There is added to chapter 29, Laws of 1971 ex. sess. and to chapter 46.10 RCW a new section to read as follows:

With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission.

NEW SECTION. Sec. 6. The unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities as provided for from the registration moneys pursuant to section 3 of this 1973 amendatory act for the current biennium ending June 30, 1973, shall immediately revert to the development and operation fund of the commission, to be expended prior to June 30, 1973.

NEW SECTION. Sec. 7. Section 6 of this 1973 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 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 129
[Senate Bill No. 2672]
FEDERAL REVENUE SHARING
TRUST FUND

AN ACT Relating to state government; adding a new section to chapter 43.79 RCW; and declaring an emergency.

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

NEW SECTION. Section 1. The proceeds from federal revenue sharing shall be deposited in the federal revenue sharing trust fund hereby created in the state treasury and shall be used for purposes as authorized by the legislature and within federal rules and regulations. Interest earnings on said fund shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended: PROVIDED, That the portion deposited into the investment reserve account in accordance with RCW 43.84.090 shall be deposited into the federal revenue sharing trust fund.

In administering the conditions set forth in RCW 43.88.110(2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: PROVIDED, That all state agencies and each school district shall comply with the provisions of Public Law 92-512, the federal Revenue Sharing Act, and the regulations issued thereunder.

NEW SECTION. Sec. 2. This 1973 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 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 130
[Substitute Senate Bill No. 2739]
COLLEGES AND UNIVERSITIES--BOND
AMORTIZATION--SERVICES, ACTIVITIES
FEES APPLICATION

AN ACT Relating to institutions of higher education; amending section 28B.10.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.300; amending section 3, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.041; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and declaring an emergency.

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

Section 1. Section 28B.10.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.300 are each amended to read as follows:

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)) services and activities 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)) services and activities 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)) services and activities 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.

Sec. 2. Section 3, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.041 are each amended to read as follows:

The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness 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 shall be included within and deemed to be services and activities fees.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

All terms, conditions, and covenants, including the pledges of student activity fees, student use fees and student building use fees, special student fees or any similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges and universities, contained in all bonds heretofore issued 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 are hereby declared to be lawful and binding in all respects.

NEW SECTION. Sec. 4. This 1973 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 3, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 131

[Engrossed Substitute Senate Bill No. 2740]

HIGHER EDUCATION BUDGET

AN ACT Adopting the budget for the institutions of higher education and the community colleges; making appropriations and authorizing expenditures for the operations of the institutions of higher education and the community colleges for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain 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 for the institutions of higher education and the community colleges and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries,

wages and other expenses of the institutions of higher education and the community colleges of the state and for other specified purposes for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation: PROVIDED, That up to \$744,217 shall be expended for any new and innovative program as developed and implemented through chapter 275, Laws of 1971 ex. sess. (ESHB 151) in the 1971-73 biennium, and where evaluation merits continuance and for programs proposed in the 1973-75 biennium; in depth evaluations of project goals, effectiveness, applicability to other institutions, and provisions for continuation of viable projects shall be provided to the Council on Higher Education: PROVIDED, That in addition to the amounts budgeted in this appropriation for the Equal Opportunity Program the University shall expend \$160,000 for the biennium: PROVIDED FURTHER, That the funds contained in this section shall be reallocated so that up to \$293,200 may be available for arboretum purposes, which funds shall not be expended at any location other than the present University of Washington arboretum located in Seattle without the approval of the legislature.....\$ 141,005,919

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by chapter ... (SSB 2854), Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 7,837,614
Accident Fund Appropriation.....\$ 410,148
Medical Aid Fund Appropriation.....\$ 410,148

NEW SECTION. Sec. 3. FOR THE WASHINGTON STATE UNIVERSITY

General Fund Appropriation: PROVIDED, That up to

\$1,560,002 of this appropriation shall be used to provide public support for the Spokane Nursing Center: That Washington State University is authorized to maintain a level of expenditure for agricultural extension and agricultural research which anticipates the receipt of \$533,000 in federal funds during the 1973-75 biennium for these programs: PROVIDED, That is the intent of the legislature that if the federal funds are not received, any deficiency not to exceed \$533,000 shall be appropriated at the January, 1974, legislative session: PROVIDED FURTHER, That up to \$100,000 of this appropriation be used for research in alternative methods to grass burning.....\$ 72,618,120

General Fund Appropriation: For staff, design, and beginning construction of an underground distribution test site upon written assurances of full financial support from the Electrical Research Council for financing a major test site installation.....\$ 50,000

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other increases authorized by Chapter ... (SSB 2854), Laws of 1973 1st ex. sess. for faculty and exempt personnel.....\$ 3,368,612

NEW SECTION. Sec. 4. FOR THE EASTERN WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That up to \$100,000 of this appropriation shall be made available for establishment and support of a Master of Social Work graduate program during the 1973-75 biennium.....\$ 20,983,044

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other

increases authorized by chapter ...
 (SSB 2854), Laws of 1973 1st ex.
 sess. for faculty and exempt
 personnel.....\$ 684,383

NEW SECTION. Sec. 5. FOR THE CENTRAL

WASHINGTON STATE COLLEGE

General Fund Appropriation: PROVIDED, That
 Central Washington State College may
 expend an amount not to exceed \$125,000
 to explore the feasibility of the
 development and implementation of a
 management by objective program for
 the administration of public agencies.....\$ 22,148,218

General Fund Appropriation: For salary
 and related fringe benefit
 increases in addition to any other
 increases authorized by chapter ...
 (SSB 2854), Laws of 1973 1st ex.
 sess. for faculty and exempt
 personnel.....\$ 850,876

NEW SECTION. Sec. 6. FOR THE EVERGREEN

STATE COLLEGE

General Fund Appropriation: PROVIDED, That
 an additional one hundred and fifty
 students may be enrolled for the 1973-75
 school years and such enrollment growth
 shall be evaluated during the first
 legislative session in 1974 to determine
 the feasibility of funding additional
 enrollment growth.....\$ 10,584,693

General Fund Appropriation: For salary
 and related fringe benefit
 increases in addition to any other
 increases authorized by chapter ...
 (SSB 2854), Laws of 1973 1st ex.
 sess. for faculty and exempt
 personnel.....\$ 245,372

NEW SECTION. Sec. 7. FOR THE WESTERN

WASHINGTON STATE COLLEGE

General Fund Appropriation.....\$ 25,530,776

General Fund Appropriation: For salary
 and related fringe benefit
 increases in addition to any other
 increases authorized by chapter ...
 (SSB 2854), Laws of 1973 1st ex. sess.

for faculty and exempt personnel.....\$	1,032,060
<p><u>NEW SECTION.</u> Sec. 8. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION</p>	
General Fund Appropriation.....\$	2,042,714
Community College Capital Projects Fund: For bond sale expenses.....\$	44,800
<p>For distribution to the Community Colleges in accordance with chapter 28B.50 RCW. General Fund Appropriation: PROVIDED, That up to \$150,000 shall be used for the design of a viable plan for a comprehensive management information system for the community college system and the development of a cost benefit analysis: PROVIDED, That none of these moneys shall be expended for the training of personnel: PROVIDED, That \$900,000 of this appropriation shall be administered by the State Board and used exclusively for disadvantaged programs: PROVIDED, That Olympia Vocational-Technical Institute shall not become a comprehensive community college and shall offer only those courses essential to vocational-technical education: PROVIDED, That those community college districts conducting community involvement programs during the 1971-73 biennium shall continue to conduct such programs at least at the existing level of program operation: PROVIDED FURTHER, That up to \$1,430,130 shall be distributed by the State Board to the respective district boards of trustees as reimbursement for tuition fees, operating fees, and services and activities fees waived for any student who has not completed the twelfth grade and who is so enrolled for the purpose of pursuing a high school diploma or certificate.....\$</p>	
General Fund Appropriation: PROVIDED, That the State Board for Community	135,400,216

College Education shall use this appropriation or so much as necessary to attract federal matching funds for Vietnam veteran programs and to help supplement the local districts educational efforts directed toward returning Vietnam veterans.....\$ 200,000

General Fund Appropriation: For salary and related fringe benefit increases in addition to any other authorized by chapter ... (SSB 2854), Laws of 1973 1st ex. sess. for faculty and exempt personnel: PROVIDED, That an amount equal to a 2% increase for faculty shall be distributed to each community college district: PROVIDED FURTHER, That each district board of trustees shall be authorized to utilize such funds for salary increases determined by such board to be appropriate.....\$ 2,173,112

General Fund Appropriation: For salary increases for part time faculty: PROVIDED, That these funds are for distribution to the community college districts to be used exclusively to increase the salaries and benefits of eligible part time faculty up to two-thirds of the average salary and benefits paid to full time faculty by the 1974-75 academic year; recognizing that differences exist in the responsibilities of part time faculty, the State Board for Community College Education is directed to develop a definition of eligible part time faculty prior to distribution of any of these funds to the districts and that such definition shall include a compensation plan that recognizes the specific responsibilities assigned part-time faculty members.....\$ 3,456,000

NEW SECTION. Sec. 9. Post-secondary institutions are strongly encouraged to continue to develop new and innovative programs with faculty and student participation. Implementation of

these nontraditional programs should encourage a meaningful individual educational experience, new techniques in instruction, and broader application to institutions of post-secondary education at large. A thorough report of all such programs shall be forwarded to the Legislative Budget Committee, the Interim Committee for Higher Education, the Council on Higher Education, or their successors, and the Governor, prior to any special session of the legislature convening in 1974 and the regular session in 1975.

NEW SECTION. Sec. 10. The council on higher education shall continue its assessment and evaluation of low productivity graduate degree programs at the masters and Ph.D. level, with the requirement that the council submit a report to any session of the Legislature convened in 1974 identifying specific programs which have been eliminated as a result of such evaluation.

NEW SECTION. Sec. 11. General Fund
Appropriation:

The council on higher education may expend up to \$40,000 for the purpose of compensating moving costs and salary differentials for faculty members who are transferred among the six senior public institutions of higher education for the purpose of balancing faculty staffing with enrollment levels:
PROVIDED, That any institution whose actual enrollment drops below the budgeted enrollment during 1973-75 shall designate and report excess faculty positions to the council on higher education which in turn will attempt to match these employees with vacancies at the other higher education institutions: PROVIDED FURTHER, That no institution shall be obligated for continuation of the contract of such transferred faculty for more than one year and shall receive the equivalent of that person's salary and fringe benefits paid by the institution from which such person was transferred.....\$ 40,000

NEW SECTION. Sec. 12. Notwithstanding the enrollment levels utilized to establish the amount of funds herein appropriated for the state four year colleges and universities, these schools may enroll 5% in excess of annual budgeted enrollment levels each year of the 1973-75 biennium: PROVIDED, That no state funds shall be used or

appropriated to support any enrollments beyond the budgeted levels for 1973-75 provided in this act: PROVIDED FURTHER, That the staff utilization formula shall be calculated only on the basis of enrollment levels budgeted by this act for any subsequent appropriation.

NEW SECTION. Sec. 13. In order to carry out the intent of the Legislature each institution which utilizes funds appropriated in this biennium for salaries of faculty and exempt personnel shall report to the 1975 Legislature the guidelines and criteria on which such funds were disbursed. At the discretion of the institution, the guidelines may or may not include consideration of recognized student evaluation and critiques of said faculty and/or exempt personnel.

NEW SECTION. Sec. 14. The words "institutions of higher education and community colleges" used herein means and includes every institution of higher education granting two year or four year degrees, whether educational, correctional, or other, and division, board and commission, except as otherwise provided in this act.

NEW SECTION. Sec. 15. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all or any portion of the funds herein appropriated or included in this budget, to the institutions of higher education and community colleges for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. (a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (b) When the institutions of higher education and community colleges propose the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED, HOWEVER, That the aggregate of allotments for the institutions of higher education and community colleges shall not exceed the total of applicable appropriations and local funds available to the institutions of higher education and community colleges. 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, 1973; for the sole purpose of authorizing the institutions of higher education and community colleges to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

NEW SECTION. Sec. 16. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 17. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 15. Receipts for purposes of this section shall include 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.

NEW SECTION. Sec. 18. The institutions of higher education and the community colleges 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. 19. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management 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 appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 20. Amounts received by the institutions of higher education and community colleges 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 director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 21. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW 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 the institutions of higher education and the community colleges may not purchase or otherwise acquire 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 director of the office of program planning and fiscal management.

NEW SECTION. Sec. 22. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the office of program planning and fiscal management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 23. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

NEW SECTION. Sec. 24. The institutions of higher education and the community colleges are hereby authorized and directed to pay their share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 operating appropriations. The director of the office of program planning and fiscal management may require the institutions of higher education and the community colleges to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 25. It is the intent of the Legislature that to the maximum extent possible, and exclusive of restricted fund

activities, the layoff of existing classified staff shall not be in greater proportion than the ratio of classified staff to total employment at the respective institutions as of April 1, 1973. The institutions of higher education may utilize all available revenues and other resources and cost-saving procedures to minimize any adverse impact on institutional programs caused by the reordering of priorities permitted in this act.

NEW SECTION. Sec. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. 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: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 13, 1973.
Passed the House April 12, 1973.
Approved by the Governor April 23, 1973.
Filed in Office of Secretary of State April 24, 1973.

CHAPTER 132
[Substitute Senate Bill No. 2741]
VEHICLE DEALERS--
REGULATION

AN ACT Relating to the regulation of vehicle dealers, manufacturers, and salesmen; amending section 1, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.005; amending section 3, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.011; amending section 4, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.021; amending section 5, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.031; amending section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.041; amending section 7, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.051; amending section 13, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.061; amending section 46.70.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.070;

amending section 8, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.081; amending section 9, chapter 74, Laws of 1967 ex. sess. as amended by section 5, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.082; amending section 10, chapter 74, Laws of 1967 ex. sess. as amended by section 6, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.083; amending section 46.70.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.090; amending section 11, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.101; amending section 46.70.120, chapter 12, Laws of 1961 and RCW 46.70.120; amending section 46.70.130, chapter 12, Laws of 1961 and RCW 46.70.130; amending section 46.70.140, chapter 12, Laws of 1961 as last amended by section 8, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.140; amending section 16, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1969 and RCW 46.70.180; amending section 21, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.190; amending section 2, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.900; amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 32, Laws of 1967 and RCW 46.16.020; amending section 46.16.045, chapter 12, Laws of 1961 and RCW 46.16.045; adding a new section to chapter 46.16 RCW; adding new sections to chapter 46.70 RCW; repealing section 46.70.060, chapter 12, Laws of 1961, section 77, chapter 32, Laws of 1967, section 26, chapter 74, Laws of 1967 ex. sess., section 3, chapter 74, Laws of 1971 ex. sess., section 5, chapter 99, Laws of 1972 ex. sess. and RCW 46.70.060; and repealing section 29, chapter 74, Laws of 1967 ex. sess., section 9, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.280.

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

Section 1. Section 1, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.005 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of ((motor)) vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate ((motor)) and license vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of ((motor)) vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this

state.

Sec. 2. Section 3, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" ((means any motor driven)) shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46, Motor Vehicles.

((12)) (3) "((Motor)) Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection ((1a)) (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used ((motor)) vehicles((; trailers or motorcycles)); PROVIDED, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles:

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

((1a)) (4) The term "((motor)) vehicle dealer" does not include:

((1b)) (a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

((1c)) (b) Public officers while performing their official duties; or

((1d)) (c) Employees of ((motor)) vehicle dealers ((when)) who are engaged in the specific performance of their duties as such employees; or

((1e)) (d) Any person engaged in an isolated sale of a ((motor)) vehicle in which he is the registered ((and/or)) or legal owner, or both, thereof.

((1f)) (e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than ((motor))

vehicles, used for agricultural or industrial purposes.

((3)) (5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease ((motor)) vehicles ((trailers or motorcycles)) on behalf of a ((motor)) vehicle dealer.

((4)) (6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

((5)) (7) "Director" means the director of the department of motor vehicles.

((6)) (8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused ((motor)) vehicles ((and shall further include the terms:

((7)) (a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused ((motor)) vehicle to ((motor)) vehicle dealers or who maintains factory representatives.

((8)) (b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, ((motor)) vehicles to a distributor, wholesaler or ((motor)) vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused ((motor)) vehicles in this state of a particular brand or make to ((motor)) vehicle dealers.

((9)) (c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their ((motor)) vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

((10)) (9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved ((automobile)) display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a ((motor)) vehicle dealer, including the display and repair of ((motor)) vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the ((motor)) vehicle dealer or his ((motor)) vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books,

records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both.

Sec. 3, Section 4, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.021 are each amended to read as follows:

It shall be unlawful for any ~~((motor))~~ vehicle dealer ~~((or motor))~~, vehicle salesman or vehicle manufacturer to engage in ~~((this))~~ business as such, act as such, serve in the capacity of such, ~~((or))~~ advertise himself, itself, or themselves as such~~((r))~~ or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter: PROVIDED, That a ~~((motor))~~ vehicle dealer shall not be required to have a ~~((motor))~~ vehicle salesman's license; PROVIDED, FURTHER, That a distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter.

Sec. 4. Section 5, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.031 are each amended to read as follows:

A ~~((motor))~~ vehicle dealer ~~((or))~~, salesman, or manufacturer may apply for a license by filing with the ~~((director))~~ department an application in such form as the ~~((director))~~ department may prescribe ~~((and upon payment of the necessary fee as herein set forth))~~.

Sec. 5. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) ~~((The applicant's honesty and reputation;))~~ Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a ~~((motor))~~ vehicle dealer, any partner, officer

or director;

(d) Whether the applicant has been ((found guilty of any felony)) convicted of any crime within the ((past)) preceding five years involving ((moral turpitude, or for any misdemeanor concerning)) fraud, misrepresentation, or conversion, or ((suffering)) has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) ((The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

((f)) Any other information the department may reasonably require.

(2) If the applicant is a ((motor)) vehicle dealer((, then information as to the type of business he will be engaged in, including)):

(a) Name or names of new ((automobiles)) vehicles the ((motor)) vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer ((or distributor)) from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used ((motor)) vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: PROVIDED, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons((:));

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: PROVIDED, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model ((motor)) vehicles with factory or distributor warranties((:));

((f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to

purchase, auctioning, soliciting, or advertising and which classification or classifications the dealer wishes to be designated as:

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the ((application is for a salesman's license)) applicant is a vehicle salesman, such application shall contain, in addition, a certification by the ((motor)) vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 6. Section 7, chapter 74, Laws of 1967 ex. sess. as amended by section 2, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.051 are each amended to read as follows:

After the application has been filed ((and)), the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer: PROVIDED, That nothing shall prohibit a vehicle dealer from obtaining licenses for more than one classification, and: PROVIDED

FURTHER, That nothing shall prevent any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

Sec. 7. Section 13, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) ((For motor vehicle dealers, the fee as provided in RCW 46.70.060;

{2} For dealers plates, three dollars per set for each additional set over one;

{3} For location change by a motor vehicle dealer within the same county, five dollars. A change to another county shall require a new license;

{4} For each motor vehicle salesman, ten dollars per year and ten dollars for each year for renewal thereof;

{5} For transfer of a motor vehicle salesman from one motor vehicle dealer to another motor vehicle dealer, transfer fee of five dollars;))

The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Fifty dollars;

(b) Vehicle dealers, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Fifty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Twenty-five dollars.

PROVIDED, That if any licensee shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared cancelled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for such original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;

(b) There shall be no transfer of any vehicle dealer subagency license;

(c) Vehicle salesman, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees; PROVIDED, That the fee for an original vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.

PROVIDED, FURTHER, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sale[s] were unnaturally low for reasons beyond his control; PROVIDED, FURTHER, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers; AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2) (b) and (4) (b).

((6*)) (5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 8. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with said department a surety bond in the amount of:

((4*)) (a) Ten thousand dollars for ((new and used)) motor vehicle((s)) dealers;

((2) Ten thousand dollars for used motor vehicles;

{3} Ten thousand dollars for the sale of trailers valued at more than two thousand dollars;))

(b) Twenty thousand dollars for mobile home and travel trailer dealers; PROVIDED, That if such dealer does not deal in mobile homes such bond shall be ten thousand dollars;

((4*)) (c) Five thousand dollars for ((the sale of trailers valued at two thousand dollars or less, and motorcycles;))

miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall ((be)) automatically ((revoked)) be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

NEW SECTION. Sec. 9. There is added to chapter 46.70 RCW a new section to read as follows:

Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with said department a surety bond in the amount of twenty thousand dollars in the case of a mobile home manufacturer and ten thousand dollars in the case of a travel trailer manufacturer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of such vehicles. Any retail purchaser or vehicle dealer who shall have suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles shall have the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the manufacturer license shall be automatically be deemed canceled.

Sec. 10. Section 8, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.081 are each amended to read as follows:

((The license issued to each motor vehicle dealer shall specify the location of the dealership, place of business or office of the agency. In case such location is changed the department shall be notified within ten days. Any change to another county shall require a new licenser.

A motor vehicle dealer maintaining one or more places of business shall be required to obtain and hold a current license for each place of business, including a branch or subagency: PROVIDED, HOWEVER, That only one license shall be required for all places of business doing business under the same name within a single county.))

Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. In the event that any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

If a dealer does business in more than one county, separate licenses shall be required for each county.

If a dealer maintains a place of business at more than one location or under more than one name in any one county, he shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license shall be required for each and every subagency.

A ((motor)) vehicle dealer's license shall upon the death, or incapacity of an individual ((motor)) vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity.

Sec. 11. Section 9, chapter 74, Laws of 1967 ex. sess. as amended by section 5, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.082 are each amended to read as follows:

The license issued to the ((motor)) vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a ((motor)) vehicle dealer, the salesman and dealer shall promptly notify the department, in writing, in the form prescribed by the department. In addition to other information required by the department, the ((motor)) vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the

salesman is of good moral character.

Sec. 12. Section 10, chapter 74, Laws of 1967 ex. sess. as amended by section 6, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.083 are each amended to read as follows:

((Registration of a motor)) The license of a vehicle dealer or a vehicle manufacturer shall be effective until December 31 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the ((director)) department may require to indicate any material change in the information contained in the original application.

Registration of a ((motor)) vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Sec. 13. Section 46.70.090, chapter 12, Laws of 1961 as last amended by section 7, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.090 are each amended to read as follows:

((Dealer license plates shall be used only under the following conditions:

{1} To demonstrate an automobile for sale provided that {a} a dated demonstration permit or purchase order identifying the sale or the potential sale is carried in the vehicle and {b} once the sale is completed the dealer will register and title the vehicle in question no later than the finish of the second business day;

{2} On vehicles assigned permanently to officers of the corporation; partnership or proprietorship; and to the bona fide full time employees of the dealer: PROVIDED, That the department of motor vehicles shall from time to time inspect the records of every licensed dealer to determine that the above conditions have been met;

{3} On vehicles being tested for repair;

{4} On vehicles being transported for resale;

Failure to comply with the provisions of this section shall be cause for the suspension or revocation of the dealer license. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: PROVIDED, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the said

dealer might have used his dealer license plate: PROVIDED FURTHER, That transportation of dealer's own tools; parts and equipment; in a vehicle bearing a dealer license plate; to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.)

(1) The department shall issue vehicle dealer license plates, which are capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, provided that a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying any such individual is carried in the vehicle at all times it is operated by him. Any such vehicle so operated may be used to transport the dealer's own tools, parts and equipment to a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle provided that a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location provided that the requirements of RCW 46.16.105 and 46.16.106 are

met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: PROVIDED, That:

(i) No such vehicle shall be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale and which are, in fact, available for sale, by the firm when operated by an officer of the corporation, partnership or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer: PROVIDED, That such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) To transport vehicles to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person.

produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate.

Sec. 14. Section 11, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 63, Laws of 1969 ex. sess. and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend or revoke the license of any ~~((motor))~~ vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant, or licensee ~~((, or in the case of a motor vehicle dealer, any partner, officer or director or majority stockholder))~~:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was ~~((previously))~~ the holder of a license issued ~~((under))~~ pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

~~((2)) (ii) Has been ~~((found guilty of any felony))~~ convicted of any crime within the ~~((past))~~ preceding five years involving ~~((moral turpitude, or for any misdemeanor concerning))~~ fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion;~~

~~((3)) (iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or ~~((4))~~ any data attached thereto, or in any matter under investigation by the department;~~

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent;

((4*)) (i) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter or any rules ((or)) and regulations ((or order issued under this chapter)) adopted thereunder;

((5*)) (ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a ((motor)) vehicle;

((6*)) (iii) Has forged the signature of the registered or legal owner on a certificate of title;

((7*)) (iv) Has purchased, sold, ((or)) disposed of, ((a motor)) or has in his possession any vehicle which ((such applicant or licensee)) he knows or has reason to know has been stolen or appropriated without the consent of the owner;

((8*)) (v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a ((motor)) vehicle which ((the applicant or licensee)) he has sold;

((9) Has suffered or permitted the cancellation of a fidelity bond or the exhaustion of the penalty thereof;

. (10) Has failed to comply with the provisions of this chapter including notices; or reports of transfers of vehicles; or the maintenance of records; or has caused or suffered or is permitting the unlawful use of the dealer license certificate or dealer license plates;)

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

~~((141))~~ (vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

~~((142))~~ Is a motor vehicle dealer who:

(a) Does not have an established place of business as defined in this chapter;

(b) Employs an unlicensed salesman;

(c) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(d) Knowingly employs a salesman whose license has been denied, or revoked within the last year, or is currently suspended;

(e) Sells a new or current-model motor vehicle to which a factory new-vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter or having such agreement, refuses to honor or repudiates the same;)

(2) In the case of a vehicle salesman;

~~((143))~~ (a) ((Is an applicant for a salesman's license who was previously)) Has the holder of, or was a partner in a partnership, or was an officer, director, or ((stockholder)) owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended and the terms of the suspension ((have)) had not been ((terminated)) fulfilled;

~~((144))~~ Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they may mature;)

(b) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state, or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state, or political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of

Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department.

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer.

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles.

Sec. 15. Section 46.70.120, chapter 12, Laws of 1961 and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all ((motor)) vehicles ((; motorcycles or trailers;)) purchased or sold by him ((and which have been previously licensed in this or another state;)) which records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle; and
- (3) The name and address of person from whom purchased; and
- (4) The name of legal owner, if any; and
- (5) The name and address of purchaser; and
- (6) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized ((member of the state patrol)) agent.

Sec. 16. Section 46.70.130, chapter 12, Laws of 1961 and RCW 46.70.130 are each amended to read as follows:

Before the execution of a contract or chattel mortgage or the consummation of the sale of any ((motor)) vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer.

Sec. 17. Section 46.70.140, chapter 12, Laws of 1961 as last amended by section 8, chapter 74, Laws of 1971 ex. sess. and RCW

46.70.140 are each amended to read as follows:

Any vehicle dealer who shall knowingly or with reason to know, buy or receive, sell or dispose of, conceal or have in his possession, any ((motor)) vehicle((; trailer; or motoreycle)) from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any ((motor)) vehicle dealer who shall loan or permit the use of vehicle dealer license plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor.

Sec. 18. Section 16, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1969 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a ((motor)) vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a ((motor)) vehicle when a down payment is in fact required, or that a ((motor)) vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a ((motor)) vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new ((motor)) vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific ((motor)) vehicle to be sold;

(e) That a ((motor)) vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a ((motor)) vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a ((motor)) vehicle an amount for

licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which ((motor)) vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a ((motor)) vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a ((motor)) vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: PROVIDED, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570;

(6) For any ((motor)) vehicle dealer or ((motor)) vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used ((car)) vehicle offered for sale.

(7) Being a manufacturer(, distributor, or factory representative or branch) to:

(a) Coerce or attempt to coerce any ((motor)) vehicle dealer to order or accept delivery of any ((motor)) vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said ((motor)) vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any ((motor)) vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a ((motor)) vehicle dealer to sell ((motor)) vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a ((motor)) vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any ((motor)) vehicle publicly advertised for immediate delivery to any duly licensed ((motor)) vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused ((motor)) vehicles sold or distributed by such manufacturer (, distributor, or factory representative or branch) within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer that any warranty claim on any item included

as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: PROVIDED, HOWEVER, Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties.

Sec. 19. Section 21, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer (~~(7 distributor or factory representative or branch)~~) pursuant to (~~(REW 46.70.180(5) (b))~~) section 18(7)(b) of this 1973 amendatory act and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of (~~(REW 46.70.180(5) (b))~~) section 18(7)(b) of this 1973 amendatory act, with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

Sec. 20. Section 2, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.900 are each amended to read as follows:

All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of (~~(motor)~~) vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from

engaging in the business of selling, bartering, or otherwise dealing in ((motor)) vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in ((motor)) vehicles in this state: PROVIDED, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material without knowledge of its deceptive character.

NEW SECTION. Sec. 21. There is added to chapter 46.70 RCW a new section to read as follows:

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

Sec. 22. Section 46.16.020, chapter 12, Laws of 1961 as last amended by section 14, chapter 32, Laws of 1967 and RCW 46.16.020 are each amended to read as follows:

Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: PROVIDED, FURTHER, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative.

Sec. 23. Section 46.16.045, chapter 12, Laws of 1961 and RCW 46.16.045 are each amended to read as follows:

(1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars which shall be credited to the payment of registration fees at the time application for registration is made.

NEW SECTION. Sec. 24. There is added to chapter 46.16 RCW a new section to read as follows:

If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 46.70.060, chapter 12, Laws of 1961, section 77, chapter 32, Laws of 1967, section 26, chapter 74, Laws of 1967 ex. sess. section 3, chapter 74, Laws of 1971 ex. sess., section 5, chapter 99, Laws of 1972 ex. sess. and RCW 46.70.060; and

(2) Section 29, chapter 74, Laws of 1967 ex. sess., section 9, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.280.

Passed the Senate March 30, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 133

[Engrossed Senate Bill No. 2762]

STATE CIVIL SERVICE--
EXEMPT POSITIONS

AN ACT Relating to the state civil service law; amending section 1, chapter 11, Laws of 1972 ex. sess. and RCW 41.06.070.

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

Section 1. Section 1, chapter 11, Laws of 1972 ex. sess. and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

(1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim

committee of the legislature;

(2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the departments of employment security, fisheries, social and health services, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(a) All members of such boards, commissions, or committees;

(b) If the members of the board, commission, or committee serve on a part time basis and there is a statutory executive officer: (i) The secretary of the board, commission, or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full time basis: (i) The chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(10) Assistant attorneys general;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part time, or temporary employees, and part time professional consultants, as defined by the state personnel board or the board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant;

(14) Officers and employees of the Washington state fruit commission;

(15) Officers and employees of the Washington state apple advertising commission;

(16) Officers and employees of the Washington state dairy products commission;

(17) Officers and employees of any commission formed under the provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

(18) Officers and employees of the state wheat commission formed under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

(19) Officers and employees of agricultural commissions formed under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business((†));

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not

exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Passed the Senate April 14, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 134

[Engrossed Senate Bill No. 2803]

SUPERINTENDENT OF PUBLIC INSTRUCTION

BUDGET

AN ACT Adopting the budget for the superintendent of public instruction; making appropriations and authorizing expenditures for the operations of the superintendent of public instruction for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain 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 for the superintendent of public instruction and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be

sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE 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 not more than \$7,919,225 shall be from state funds: PROVIDED, That if any federal funds in excess of those estimated in this appropriation act are received or expended by the central office of the Superintendent of Public Instruction the Superintendent shall place an equal amount of state funds into reserve to be expended only with the approval of the Legislature: PROVIDED FURTHER, That, if all or any portion of budgeted federal funds are not made available pursuant to the elementary and secondary education act (Title V USC) during fiscal year 1973-74, the Superintendent of Public Instruction is authorized to allocate and expend up to the anticipated amount not received but not to exceed \$712,000 from state general fund appropriations for transportation, URRD, and handicapped children education excess cost programs for state office administration during the 1973-74 fiscal year.....\$ 10,815,579

General Fund Appropriation for General Apportionment: PROVIDED, That the weighting schedule to be used in computing the apportionment of funds for each district for 1973-75 shall be based on the following factors: Each full time equivalent student enrolled -- 1.0; each full time equivalent student; each full time equivalent student

enrolled in vocational education in grades 9-12 when excess costs are documented for the class and where the class is approved by the state Superintendent, an added --1.0; all identified culturally disadvantaged children receiving an approved program, an added -- .1; the factor established by the Superintendent of Public Instruction for use in the 1973-75 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 shall be used; for school districts enrolling fewer than 250 students in grades 9-12, for nonhigh districts judged remote and necessary by the State Board of Education and which enroll fewer than 100 students, and for small school plants which are judged remote and necessary within school districts by the state board of education shall be in accordance with the weighting factors used during the 1972-73 school year: PROVIDED, That all school districts judged remote and necessary for school apportionment purposes during the 1972-73 school year shall be considered remote and necessary for school apportionment purposes throughout the 1973-75 biennium unless their enrollment exceeds 250 students in grades 9-12 or for nonhigh districts unless their enrollment exceeds 100 students: PROVIDED, That a school district formed after July 1, 1971 and which formerly consisted of one or more school districts qualifying during the preceding school year for additional weighting under the "remote and necessary" provision or "fewer than 250 students

in grades 9-12" provision shall receive for a period of four years following consolidation such additional weighting as accrued to the qualifying district or districts for the school year preceding consolidation; full time equivalent students residing on tax exempt property (chapter 130, Laws of 1969), an added -- .25; full time equivalent students in an approved interdistrict cooperative program (chapter 130, Laws of 1969), an added -- .25: PROVIDED FURTHER, That not to exceed \$400,000 is included for use by the Superintendent for school district emergencies: PROVIDED, That not to exceed \$14,703,380 is included for the five vocational-technical institutes: PROVIDED, That not to exceed \$411,754 is included for adult education in vocational-technical institutes: PROVIDED, 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: PROVIDED, That a subsequent special or regular session of the Legislature may modify the appropriation as a result of economic or demographic changes which affect the total number of students to be served or the availability of local finances: PROVIDED, That for purposes of distributing general fund appropriations for apportionment, through the school equalization formula, the amount of adjusted local property tax revenues computed for any school district shall not exceed the amount of the revenues that would be produced using the indicated ratio used by the district in the previous year by more than five percent.....\$ 463,918,054

Federal Revenue Sharing Trust Fund Appropriation for General Apportionment.....\$ 105,532,078
 General Fund Appropriation for state matching of federal food service funds, as required by P.L. 91-248 and for continuation of salary

increases granted from state funds during 1969-71.....\$	3,412,808
General Fund Appropriation for state contribution to participating school districts to fund employee health benefits: PROVIDED, That these funds shall be distributed to those participating districts on an equal amount per staff full-time equivalent.....\$	12,321,880
General Fund Appropriation of two mills of property tax to be distributed in accordance with RCW 28A.48.....\$	40,482,000
General Fund Appropriation of state forest funds to be distributed.....\$	1,610,000
General Fund Appropriation for allocation to Intermediate School Districts.....\$	1,901,360
General Fund Appropriation for supplementary education and cultural enrichment.....\$	1,000,000
General Fund Appropriation: To provide assurance that the budgeted funding level for the institutional education program for the 1973-74 school year shall maintain the current level of per pupil expenditure as was provided in the 1972-73 school year: PROVIDED, That the receipt of any federal funds in excess of \$1,387,488 for the institutional education program for 1973-75 will result in an equal amount of this appropriation being reverted to the State General Fund: PROVIDED FURTHER, That the Superintendent of Public Instruction shall submit to the 1974 Legislature an institutional education budget request for the 1974-75 school year which shall be based on new data regarding enrollment projections, federal funding, and cost per pupil.....\$	603,972
General Fund Appropriation for state institutional education program: PROVIDED, That not more than \$5,701,178 shall be from state funds.....\$	9,169,898
General Fund Appropriation for Handicapped Children- Excess Costs: PROVIDED, That not more than \$62,869,753 shall be from state funds:	

PROVIDED, That there shall be appointed a nine member commission to review the handicapped education program, three members to be chosen by the governor and six members by the superintendent of public instruction: PROVIDED, That the commission shall submit its findings and recommendations, including an evaluation of the adequacy of funds for handicapped children education excess costs for 1974-75, to the governor and the legislature prior to January 1, 1974: PROVIDED FURTHER, That the superintendent of public instruction shall not make tentative obligations of more than fifty percent of this appropriation until the commission submits its report.....\$

	64,756,137
General Fund Appropriation for Urban, Racial, Rural and Disadvantaged educational programs.....\$	9,247,800
General Fund Appropriation of Mobile Home Excise Tax to be distributed to local school districts in accordance with chapter 82.50 RCW.....\$	3,771,000
General Fund Appropriation for Career education and occupational exploration projects.....\$	250,000
General Fund Appropriation for the Cerebral Palsy Center.....\$	408,940
General Fund Appropriation for the Cerebral Palsy Center: PROVIDED, That this appropriation shall be used for development and implementation of field services to expand the Center's program to off site locations.....\$	25,000
General Fund Appropriation for the encumbrance of federal grants: PROVIDED, That any expenditures from this appropriation shall be from federal funds.....\$	10,486,940
General Fund Appropriation:	
Elementary and Secondary Education Act of 1965.....\$	39,367,500
To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958).....\$	1,500,000
Education of Indian children.....\$	2,000,000
Adult Basic Education.....\$	1,230,000

School Food Services Programs: PROVIDED, That not more than \$934,967 shall be from state funds....\$	27,699,626
General Fund Appropriation for Assistance to Blind Students (RCW 28B.10.215).....\$	5,000
General Fund Appropriation for Environmental Education.....\$	536,277
General Fund Appropriation for gifted program.....\$	330,000
General Fund Appropriation for state grants to needy and disadvantaged students: PROVIDED, That these funds shall be used by the Superintendent of Public Instruction for individual grants to needy and disadvantaged elementary and secondary pupils attending public and private schools approved by the state board of education who demonstrate a financial inability to meet the total cost of supplies, books, tuition, incidental and other fees for any school term, or who because of adverse cultural, educational, environmental or other circumstances, are deemed as being highly improbable of continuing in the schools in which such pupils are enrolled and that such financial assistance, after other scholarships, grants and assistance are deducted, shall not exceed three hundred dollars per secondary pupil (grades 9-12) and one hundred dollars per elementary pupil (grades 1-8).....\$	750,000
General Fund--Traffic Safety Education Account Appropriation, of which \$602,936 is for administration.....\$	8,825,936

NEW SECTION. Sec. 3. The Superintendent of Public Instruction shall receive or expend no federal funds in excess of those approved in this act unless an equal amount of state dollars are placed in reserve status to be expended only with the approval of the Legislature.

NEW SECTION. Sec. 4. The words "superintendent of public instruction" used herein means and includes every institution, whether educational, correctional, or other, and division, board and commission, except as otherwise provided in this act.

NEW SECTION. Sec. 5. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

- (1) Allot all of any portion of the funds herein appropriated or included in this budget, to the superintendent for such periods as he shall determine and may place any funds not so allotted in reserve

available for subsequent allotment. (a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (b) When the superintendent proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED, HOWEVER, That the aggregate of allotments for the superintendent shall not exceed the total of applicable appropriations and local funds available to the superintendent. 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, 1973; for the sole purpose of authorizing the superintendent to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

NEW SECTION. Sec. 6. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 7. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 5. Receipts for purposes of this section shall include 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.

NEW SECTION. Sec. 8. The superintendent is 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 director of the office of program planning and fiscal management 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 appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 10. Amounts received by the superintendent 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 director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 11. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW 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 the superintendent may not purchase or otherwise acquire 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 director of the office of program planning and fiscal management.

NEW SECTION. Sec. 12. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the office of program planning and fiscal management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 13. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant

positions and in the filling of new positions of employment in state government, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

NEW SECTION. Sec. 14. The superintendent is hereby authorized and directed to pay his share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 operating appropriations. The director of the office of program planning and fiscal management may require the superintendent to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

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.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 135
[Senate Bill No. 2805]
COLLEGES, UNIVERSITIES--CAPITAL
CONSTRUCTION BONDS

AN ACT Relating to the institutions of higher education; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for said institutions of higher education; providing for the financing thereof by the issuance of bonds; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and

facilities for the institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty-four million three hundred thousand dollars or so much thereof as shall be required to finance the capital projects relating to the institutions of higher education as set forth in the capital appropriations act, chapter ... (S.B. No. 2105), Laws of 1973, to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

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.

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. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state higher education construction account hereby created in the state general fund.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds or notes authorized by this 1973 act shall be deposited in the state higher education construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this 1973 act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The state higher education bond redemption fund of 1973 is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this 1973 act. The state finance committee shall, on or before June 30th of each year, certify

to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state higher education bond redemption fund of 1973 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this 1973 act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 7. If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This 1973 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 8, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 136

[Engrossed Substitute Senate Bill No. 2813]

PUBLIC MASS TRANSIT PROGRAMS--

STATE FINANCIAL SUPPORT--

APPROPRIATIONS

AN ACT Relating to the financial support of public mass transit programs; amending section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273; amending section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279; amending section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791; amending section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792; amending section 1, chapter 87, Laws of 1972

ex. sess. and RCW 82.44.150; adding new sections to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW; repealing section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274; repealing section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275; repealing section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276; repealing section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; repealing section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278; making an appropriation; prescribing an effective date and declaring an emergency.

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

Section 1. Section 8, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.273 are each amended to read as follows:

~~((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 RCW 82.44.150, 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))~~ of the funds appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory act for acquisition of right of way or for 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.

Sec. 2. Section 14, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All ~~((taxes levied and collected under REW 35.58.273))~~ funds appropriated by the legislature and distributed to municipalities for public mass transit assistance pursuant to section 6 of this 1973 amendatory act shall be credited to a special fund in the treasury of ~~((the))~~ each such municipality ~~((imposing such tax))~~. Such ~~((taxes))~~ funds 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 REW 35.58.273 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. 3. Section 19, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2791 are each amended to read as follows:

No new internal combustion powered equipment shall be acquired with funds ~~((derived from the taxes levied and collected under REW 35.58.273 or with funds derived from general obligation bonds wholly or partially secured by the taxes levied and collected under REW~~

35-58-273) appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory 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.

Sec. 4. Section 20, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.2792 are each amended to read as follows:

The construction of parking facilities to be wholly or partially financed with funds ((derived from the taxes levied and collected under REW 35-58-273 or with funds derived from general obligation bonds wholly or partially secured by taxes levied and collected under REW 35-58-273)) appropriated by the legislature and distributed to a municipality pursuant to section 6 of this 1973 amendatory act shall be in conjunction with and adjacent to public transportation stations or transfer facilities.

Sec. 5. Section 1, chapter 87, Laws of 1972 ex. sess. 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, 1974, 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 REW 82-44-030 and REW 82-44-070, from motor vehicle owners residing within each municipality which has levied a tax under REW 35-58-273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under REW 82-44-030 and 82-44-070, from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under REW 35-58-273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of program planning and fiscal management, who shall adjust the fraction annually.

(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: PROVIDED, That the July apportionment shall be credited to the fiscal year in which the collections are made: A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; 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 RCW 35.58.273)) 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 RCW 35.58.273 shall be remitted to the municipality levying such tax.

(d)) (b) 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)) (2) Any amounts remaining in the motor vehicle excise fund after making the distributions provided for in subsection ((2)) (1) of this section shall be transferred to the general fund.

((4)) (3) 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)) (4) 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.

((16) 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 RCW 35.58.273, 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. 6. There is added to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW a new section to read as follows:

(1) The state treasurer, based on information provided by the department of motor vehicles, shall distribute to each municipality operating a public mass transportation system which requests and qualifies for state financial assistance, such amounts as the legislature appropriates for public mass transit assistance in each fiscal biennium. The amount to be distributed to any municipality for purposes of local public transportation assistance from any legislative appropriation for that purpose shall be an amount equal to the amount budgeted by such municipality to be expended for local public transportation from local tax sources but in no event shall the amount distributed to a municipality in any calendar year be more than the maximum limit established by the dollar amount calculated pursuant to the formula in subsection (2) of this section.

(2) The dollar amount of the maximum limit referred to in subsection (1) of this section shall be determined by the following formula: One-half of the total amount of motor vehicle excise taxes remitted to the department during the most recent calendar year for which data is available, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the subject municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the maximum amount to be distributed to any municipality from whatever funds may be appropriated by the legislature for purposes of local public transportation assistance. Where the municipality is located in more than one county, separate computations shall be made for each county, and the combined products shall provide the maximum limit.

Population figures required for these computations shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall adjust the fraction annually.

(3) The distribution of funds to municipalities from any legislative appropriation for purposes of mass transit assistance shall be made annually by the state treasurer no later than June 30th of the calendar year to which the distribution applies. For purposes of insuring the equitable distribution of funds appropriated by the legislature, the department of motor vehicles at the beginning of each state fiscal biennium for which funds are appropriated for distribution shall determine the amount of local matching money to be budgeted within maximum limits by each municipality for each municipal fiscal year covered by the state appropriation. In the event the appropriation by the legislature is insufficient to match the amount of locally generated tax revenues budgeted for transportation purposes by municipalities within maximum limits established by this section, the amount distributed to each municipality shall be reduced proportionately.

(4) If after the close of any calendar year the department of motor vehicles should determine that any municipality receiving a grant from the state appropriation for mass transit assistance has not expended or lawfully contracted to expend at least ninety percent of the local matching funds budgeted for mass transit from local taxes, the apportionment for the succeeding calendar year to that municipality from state assistance funds shall be reduced by the dollar amount of the municipality's under-expenditure of budgeted local tax funds less an adjustment factor calculated as five percent of the local matching funds budgeted, or one hundred thousand dollars, whichever is less.

(5) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund.

NEW SECTION. Sec. 7. There is added to chapter 255, Laws of 1969 ex. sess. and to chapter 35.58 RCW a new section to read as follows:

(1) During the two fiscal years from July 1, 1973 to June 30, 1975, no municipality as defined in RCW 35.58.272 which has been authorized to levy a special excise tax pursuant to RCW 35.58.273 may levy an amount in each of such fiscal years greater than the maximum amount established pursuant to the following formula:

For each of the fiscal years 1973-74 and 1974-75 the total

amount of such special excise taxes levied by all municipalities shall be \$6,000,000 per year and each municipality may levy not to exceed the proportion of such total amount for which the municipality qualifies proportionately with all other qualifying municipalities under RCW 35.58.273 and RCW 82.44.150 for local mass transit assistance purposes. Prior to May 1, 1973 and May 1, 1974 each municipality desiring to levy an excise tax during the immediately following fiscal year shall so advise the director of the department of motor vehicles. Necessary data shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall determine the maximum amount of the excise tax levy for each qualifying municipality and shall certify such amount to each such municipality prior to June 1 of each of the years 1973 and 1974.

(2) In addition to any other authority now provided by law, any municipality, including a metropolitan municipal corporation, shall be authorized to issue general obligation bonds for public mass transportation purposes with the principal and interest on said bonds to be paid from such taxes as shall be authorized to be levied by such municipality including motor vehicle excise taxes. Such bonds shall be issued and sold subject to the terms and limitations and in the manner provided in RCW 35.58.450: PROVIDED, That no municipality may issue general obligation bonds secured by or payable from motor vehicle excise taxes which bonds mature later than June 30, 1981.

(3) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund.

NEW SECTION. Sec. 8. The following acts or parts of acts are each hereby repealed:

(1) Section 9, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.274;

(2) Section 10, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.275;

(3) Section 11, chapter 255, Laws of 1969 ex. sess., section 1, chapter 199, Laws of 1971 ex. sess. and RCW 35.58.276;

(4) Section 12, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.277; and

(5) Section 13, chapter 255, Laws of 1969 ex. sess. and RCW 35.58.278.

NEW SECTION. Sec. 9. Sections 1 through 6 and section 8 of this 1973 amendatory act shall not take effect until June 30, 1981, and the remainder of this 1973 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.

NEW SECTION. Sec. 10. If any provision of this 1973 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. 11. (1) There is hereby appropriated from the state school equalization fund to the state treasurer for the biennium ending June 30, 1975, the sum of \$12,000,000 for distribution to municipalities for local mass transit assistance purposes pursuant to RCW 82.44.150.

(2) There is hereby appropriated from the state school equalization fund to the state treasurer for the biennium ending June 30, 1973, the sum of \$4,676,100 for distribution to municipalities for local mass transit assistance purposes. This appropriation is in addition to the appropriation of \$6,935,900 from the school equalization fund for the mass transit assistance in section 25, chapter 275, Laws of 1971 ex. sess., and in lieu of any funds which otherwise would have been distributable to municipalities for mass transit assistance during the biennium ending June 30, 1973 pursuant to the authorization in section 102, chapter 275, Laws of 1971 ex. sess.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 137

[Substitute Senate Bill No. 2854]

OPERATING BUDGET

AN ACT Adopting the budget for certain state agencies; making appropriations and authorizing expenditures for the operations of certain state agencies for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain 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 set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses of certain agencies and officers of the

state and for other specified purposes for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE STATE LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members.....\$	5,889,727
House of Representatives Expenses and salaries of members.....\$	7,058,989
Legislative Budget Committee.....\$	579,458
Public Pension Commission.....\$	138,514
Oceanographic Commission.....\$	196,244
Columbia Interstate Compact Commission.....\$	5,000
Joint Commission on Legislative Ethics.....\$	3,500
Senate Ethics Committee.....\$	3,500
House Ethics Committee.....\$	3,500
Judicial Council.....\$	144,400
For the 1973 Convention of the National Conference of State Legislative Leaders.....\$	25,000

NEW SECTION. Sec. 3. FOR THE PERMANENT STATUTE LAW

COMMITTEE

General Fund Appropriation.....\$	2,198,602
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NEW SECTION. Sec. 4. FOR THE SUPREME COURT

General Fund Appropriation: For the authorized expenses incurred in perfecting appellate review of indigent cases.....\$	415,312
General Fund Appropriation.....\$	2,036,722

NEW SECTION. Sec. 5. FOR THE LAW LIBRARY

General Fund Appropriation.....\$	672,995
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NEW SECTION. Sec. 6. FOR THE COURT OF APPEALS

General Fund Appropriation.....\$	2,091,292
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NEW SECTION. Sec. 7. FOR THE COURT ADMINISTRATOR

General Fund Appropriation.....\$	425,601
General Fund Appropriation for Superior Court Judges....\$	3,047,138
General Fund Appropriation for Judges' Retirement Fund contributions for 1971-73 biennium.....\$	67,499

General Fund Appropriation

Judges' Retirement Fund contributions in accordance with RCW 2.12.060.....\$	1,048,544
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NEW SECTION. Sec. 8. FOR THE PUBLIC

DISCLOSURE COMMISSION

General Fund Appropriation: To administer the provisions of chapter 1, Laws of 1973 (Initiative No. 276).....\$	192,832
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<u>NEW SECTION.</u> Sec. 9. FOR THE OFFICE OF THE GOVERNOR	
General Fund Appropriation	
Executive Operations.....\$	1,078,078
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 and for hearings, court appearances, and related expenses).....\$	75,000
Mansion Maintenance.....\$	55,000
<u>NEW SECTION.</u> Sec. 10. FOR THE LIEUTENANT GOVERNOR	
General Fund Appropriation.....\$	100,824
<u>NEW SECTION.</u> Sec. 11. FOR THE SECRETARY OF STATE	
General Fund Appropriation: For initiative and referendum, voters' and candidates' pamphlet, and related legal and other advertising purposes....\$	75,000
General Fund Appropriation.....\$	1,228,300
<u>NEW SECTION.</u> Sec. 12. FOR THE STATE TREASURER	
General Fund-Investment Reserve Account Appropriation...\$	628,791
Motor Vehicle Fund Appropriation.....\$	18,397
State Treasurer's Service Fund Appropriation.....\$	1,104,606
War Veterans' Compensation Fund Appropriation.....\$	4,351,240
<u>NEW SECTION.</u> Sec. 13. FOR THE STATE AUDITOR	
General Fund Appropriation	
For Operations: PROVIDED, That the administrative costs associated with audits of counties and cities shall be deducted annually from the local sales tax allocation to cities and counties: PROVIDED FURTHER, That such deductions shall be deposited in the state general fund.....\$	2,825,223
Payment of supplies and services furnished in previous biennia.....\$	275,000
Criminal cost bills (including prior claims).....\$	75,000
Motor Vehicle Fund Appropriation.....\$	151,998
<u>NEW SECTION.</u> Sec. 14. FOR THE ATTORNEY GENERAL	
General Fund Appropriation.....\$	1,467,684
V- General Legal Services Revolving Fund Appropriation.....\$	7,237,671
<u>NEW SECTION.</u> Sec. 15. FOR THE STATE EMPLOYEES'	
INSURANCE BOARD	
State Employees' Insurance Fund Appropriation.....\$	30,100
<u>NEW SECTION.</u> Sec. 16. FOR THE OFFICE OF	

PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation.....\$ 3,434,561
 Motor Vehicle Excise Fund Appropriation.....\$ 144,000

NEW SECTION. Sec. 17. FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation: PROVIDED,

That this amount or as much thereof
 as shall be sufficient shall be made
 available for administration and for
 payment of Employee Suggestion Awards.....\$ 37,699

Personnel Service Revolving Fund Appropriation:

PROVIDED, That \$75,000 shall be
 reimbursable from the Department of
 Social and Health Services for the
 biennial costs of the Department of
 Personnel State Employees' Alcoholism
 Program established in accordance with
 RCW 70.96.080.....\$ 3,869,911

NEW SECTION. Sec. 18. FOR THE CAPITOL COMMITTEE

General Fund--Capital Building Construction Account
 Appropriation.....\$ 20,000

NEW SECTION. Sec. 19. FOR THE MEXICAN-AMERICAN

AFFAIRS COMMISSION

General Fund Appropriation: PROVIDED, That none of
 the monies appropriated shall be used
 for the purchase of advertisements
 advocating a position in relation
 to current political, socio-political
 or economic issues.....\$ 30,000

NEW SECTION. Sec. 20. FOR THE GOVERNOR'S

INDIAN ADVISORY COUNCIL

General Fund Appropriation: For the period
 ending January 31, 1974, unless the
 Legislature statutorily establishes
 such council prior to such date.....\$ 63,522

NEW SECTION. Sec. 21. FOR THE ASIAN-AMERICAN

ADVISORY COUNCIL

General Fund Appropriation: For the period
 ending January 31, 1974, unless the
 Legislature statutorily establishes
 such council prior to such date.....\$ 26,649

NEW SECTION. Sec. 22. FOR THE WASHINGTON STATE

WOMEN'S COUNCIL

General Fund Appropriation: For the period
 ending January 31, 1974, unless the
 Legislature statutorily establishes

such council prior to such date.....\$ 8,000

NEW SECTION. Sec. 23. FOR THE OFFICE OF DRUG ABUSE PREVENTION

General Fund Appropriation: For the period ending March 31, 1974, unless the Legislature statutorily establishes such office prior to such date.....\$ 56,196

NEW SECTION. Sec. 24. FOR THE WASHINGTON PUBLIC EMPLOYEES RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation for administration of the Washington Public Employees' Retirement System.....\$ 1,982,941

Retirement System Expense Fund Appropriation for administration of the Law Enforcement Officers' and Fire Fighters' Retirement System: PROVIDED, That the Board shall fix the rate charged to employer units of the Law Enforcement Officers' and Fire Fighters' Retirement System at a level sufficient to provide income to the Retirement System Expense Fund in the 1973-75 biennium equal to the amount appropriated by this section and to reimburse the Retirement System Expense Fund in the further amount of \$46,200, and this further amount shall be credited to that portion of the fund attributable to Washington Public Employees' Retirement System employer units.....\$ 396,967

General Fund Appropriation: For Administrative Expenses of the Judicial Retirement System.....\$ 35,622

General Fund Appropriation: For contributions to the Law Enforcement Officers' and Fire Fighters' Retirement System Fund: PROVIDED, That the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Retirement Board shall use interest earnings on accumulated contributions and the amount appropriated by this section to pay pensions due for the 1973-75 biennium. Funds appropriated by this section shall be used only to the extent that interest earnings are

not sufficient to make required pension and refund payments under Chapter 41.26 RCW. For the 1973-75 biennium, the state shall not be required to appropriate funds for the current service liability nor for the prior service liability required by RCW 41.26.080 (3). The Retirement Board shall determine pension payments, refunds, interest earnings, and the portion of the funds appropriated by this section necessary for each quarter and shall notify the state treasurer of the amounts to be transferred from the general fund to the Washington Law Enforcement Officers' and Fire Fighters' Retirement System Fund: PROVIDED

FURTHER, That this section shall not affect employee and employer contributions under RCW 41.26.080 nor any contributions made by employers for administrative costs of the system.....\$

10,700,000

NEW SECTION. Sec. 25. FOR THE FINANCE COMMITTEE

General Fund--Investment Reserve Account Appropriation..\$ 402,671
 General Fund--Outdoor Recreation Account Appropriation..\$ 13,170
 Motor Vehicle Fund Appropriation.....\$ 110,810
 Motor Vehicle Fund--Urban Arterial Trust Account
 Appropriation.....\$ 65,150

NEW SECTION. Sec. 26. FOR THE DEPARTMENT OF

REVENUE

General Fund Appropriation.....\$ 16,376,015

NEW SECTION. Sec. 27. FOR THE TAX APPEALS BOARD

General Fund Appropriation.....\$ 530,148

NEW SECTION. Sec. 28. FOR THE MUNICIPAL

RESEARCH COUNCIL

Motor Vehicle Excise Fund Appropriation.....\$ 530,000

NEW SECTION. Sec. 29. FOR THE UNIFORM

LEGISLATION COMMISSION

General Fund Appropriation.....\$ 12,511

NEW SECTION. Sec. 30. FOR THE DEPARTMENT OF

GENERAL ADMINISTRATION

General Fund Appropriation.....\$ 4,491,662

General Fund Appropriation: To implement the forms management program resulting from the enactment of chapter 13, Laws

of 1973.....	\$	99,842
Department of General Administration Facilities and Services Revolving Fund Appropriation.....	\$	5,179,755
<u>NEW SECTION.</u> Sec. 31. FOR THE INSURANCE COMMISSIONER		
General Fund Appropriation: PROVIDED, That \$865,071 shall be available solely for the support of the Fire Safety and Regulation Program.....	\$	3,920,761
<u>NEW SECTION.</u> Sec. 32. FOR THE ACCOUNTANCY BOARD		
General Fund Appropriation.....	\$	188,892
<u>NEW SECTION.</u> Sec. 33. FOR THE ATHLETIC COMMISSION		
General Fund Appropriation.....	\$	33,531
<u>NEW SECTION.</u> Sec. 34. FOR THE CEMETERY BOARD		
General Fund--Cemetery Account Appropriation.....	\$	28,175
<u>NEW SECTION.</u> Sec. 35. FOR THE HORSE RACING COMMISSION		

Racing Commission Fund Appropriation: PROVIDED, That if there are more than 417 racing days during the 1973-75 biennium, the Governor is hereby authorized to allocate such additional funds as may be required: PROVIDED, That the commission shall not expend for regulatory purposes

V. at any race meet a sum greater than three-fourths of one percent of the total parimutuel handle at such meet; regulatory purposes within the meaning of this provision shall include, but not be limited to, the salaries of all officials and personnel at the meet, the cost of services and equipment for the film patrol, the photo finish and the laboratory work, but shall exclude amounts paid to commissioners pursuant to RCW 67.16.017, per diem and travel expenses of employees, the cost of equipment and supplies used in connection with the licensing of personnel, and shall also exclude the cost of personnel and operating expense of the office of the commission at Olympia, Washington: PROVIDED, HOWEVER, That the foregoing limitation on expenditures shall not apply to those race meets nonprofit in nature which are licensed pursuant to RCW 67.16.130 nor shall the limitation prevent the commission from spending

up to \$800.00 per day for regulatory purposes at any race meet:

PROVIDED, FURTHER, That none of these funds may be expended for the executive secretary salary and related costs

.....\$ 1,228,297 V

NEW SECTION. Sec. 36. FOR THE LIQUOR CONTROL BOARD
Liquor Board Revolving Fund Appropriation.....\$ 28,252,654

NEW SECTION. Sec. 37. FOR THE PHARMACY BOARD
General Fund Appropriation.....\$ 470,331

NEW SECTION. Sec. 38. FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Public Service Revolving Fund Appropriation.....\$ 6,352,180

Grade Crossing Protection Fund Appropriation:

PROVIDED, That the Utilities and Transportation Commission is hereby authorized to enter advanced orders of up to \$250,000 of this appropriation for installation and maintenance of grade crossing projects in advance of

July 1, 1973: PROVIDED FURTHER, That no expenditures may be made from this appropriation after July 1, 1973.

.....\$ 613,209 V

NEW SECTION. Sec. 39. FOR THE BOARD FOR VOLUNTEER FIREMEN

Volunteer Firemen's Relief and Pension Fund

Appropriation: PROVIDED, That after July 1, 1973, the Executive Secretary shall receive \$15,000 per annum:

PROVIDED FURTHER, That \$4,000 be used to conduct an actuarial study

for volunteer firemen.....\$ 65,162

NEW SECTION. Sec. 40. FOR THE LAW ENFORCEMENT OFFICERS' TRAINING COMMISSION

General Fund Appropriation.....\$ 188,575

NEW SECTION. Sec. 41. FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation.....\$ 1,629,236

NEW SECTION. Sec. 42. FOR THE MILITARY DEPARTMENT
General Fund Appropriation.....\$ 2,295,191

Armory Fund Appropriation.....\$ 450,000

NEW SECTION. Sec. 43. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
General Fund Appropriation: For relief of special (excess) levies for maintenance and operation: PROVIDED,

V

V — That the Superintendent of Public Instruction shall distribute these funds in the manner prescribed by the Legislature.....\$ 40,000,000

NEW SECTION. Sec. 44. FOR THE STATE TREASURER-BOND

RETIREMENT AND INTEREST

Highway Bond Retirement Fund Appropriation.....\$	73,892,270
Public School Building Bond Redemption	
Fund 1959 Appropriation.....\$	4,746,175
Public School Building Bond Redemption	
Fund 1961 Appropriation.....\$	7,223,853
Public School Building Bond Redemption	
Fund 1963 Appropriation.....\$	8,585,313
Public School Building Bond Redemption	
Fund 1965 Appropriation.....\$	2,402,852
Common School Building Bond Redemption	
Fund Appropriation.....\$	6,985,135
University of Washington Bond Retirement	
Fund Appropriation.....\$	3,333,855
Washington State University Bond Retirement	
Fund Appropriation.....\$	2,221,721
Central Washington State College Bond Retirement	
Fund Appropriation.....\$	888,356
Eastern Washington State College Bond Retirement	
Fund Appropriation.....\$	977,866
Western Washington State College Bond Retirement	
Fund Appropriation.....\$	910,860
Institutional Building Bond Redemption Fund	
1957 Appropriation.....\$	3,488,380
State Building Construction Bond Redemption Fund	
Appropriation.....\$	8,446,268
State Building and Higher Education Construction Bond	
Redemption Fund 1965 Appropriation.....\$	8,300,255
State Building and Higher Education Construction Bond	
Redemption Fund 1967 Appropriation.....\$	9,798,578
Juvenile Correctional Institutional Building Bond	
Redemption Fund Appropriation.....\$	610,790
General Administration Bond Retirement Fund	
Appropriation.....\$	715,009
State Building and Parking Bond Redemption	
Fund Appropriation.....\$	2,447,980
State Building Construction Bond Redemption Fund	
1967 Appropriation.....\$	657,710
World Fair Bond Redemption Fund Appropriation.....\$	184,500
Outdoor Recreational Bond Redemption Fund	

Appropriation.....	\$	1,139,283
Water Pollution Control Bond Redemption Fund		
Appropriation.....	\$	3,392,613
Community College Bond Retirement Fund Appropriation....	\$	10,662,000
Outdoor Recreational Bond Redemption Fund		
1967 Appropriation.....	\$	4,175,788
General State Revenue Bond Redemption Fund		
1973 Appropriation.....	\$	2,757,657
State Building Authority Bond Redemption		
Fund Appropriation.....	\$	10,089,950
Community College Capital Improvements Bond		
Redemption Fund 1972 Appropriation.....	\$	701,138
Waste Disposal Facilities Bond Redemption		
Fund Appropriation.....	\$	1,962,176
Water Supply Facilities Bond Redemption		
Fund Appropriation.....	\$	118,750
Evergreen State College Bond Retirement		
Fund Appropriation.....	\$	143,275
<u>NEW SECTION.</u> Sec. 45. FOR THE STATE TREASURER-		
STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance		
premiums tax distribution.....	\$	1,257,750
General Fund Appropriation for all terrain vehicles and		
snowmobile registration by counties.....	\$	10,125
General Fund Appropriation for public utility district		
excise tax distribution.....	\$	10,005,120
General Fund Appropriation for prosecuting attorneys		
salaries.....	\$	624,500
General Fund--Harbor Improvement Account Appropriation		
for harbor improvement revenue distribution.....	\$	390,000
Liquor Excise Tax Fund Appropriation for liquor excise		
tax distribution.....	\$	18,943,000
Motor Vehicle Excise Fund Appropriation for motor		
vehicles, camper and travel trailer excise tax		
distribution.....	\$	22,752,628
Motor Vehicle Fund Appropriation for motor vehicle fuel		
tax and overload penalties distribution.....	\$	126,393,057
Liquor Board Revolving Fund Appropriation for liquor		
profits distribution.....	\$	32,945,789
<u>NEW SECTION.</u> Sec. 46. FOR THE STATE TREASURER-		
FEDERAL REVENUES FOR DISTRIBUTION		
Forest Reserve Fund Appropriation for forest reserve		
fund distribution.....	\$	23,608,312
General Fund Appropriation for federal flood		
control funds distribution.....	\$	29,094

General Fund Appropriation for federal grazing fees distribution.....\$	18,566
<u>NEW SECTION.</u> Sec. 47. FOR THE BOARD OF PRISON TERMS AND PAROLES	
General Fund Appropriation.....\$	782,264
<u>NEW SECTION.</u> Sec. 48. FOR THE OFFICE OF ECONOMIC OPPORTUNITY	
General Fund Appropriation: PROVIDED, That \$870,000 shall be available for support or supplementation of Head Start projects approved for federal funds...\$	
	3,759,388
<u>NEW SECTION.</u> Sec. 49. FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY	
General Fund Appropriation: For legal services to be expended only if matched on a one to one basis by federal, county, or city funds, or by other nonstate sources.....\$	
	125,000
General Fund Appropriation: To facilitate an orderly transition of manpower programs from the federal to the state and local governments.....\$	
	16,445
General Fund Appropriation: PROVIDED, That \$712,223 of state general fund moneys shall be available for state "buy-in" and \$569,777 of state general fund moneys shall be available for "hard-match" as required by 1970 amendments to the Omnibus Crime Control and Safe Streets Act of 1968: PROVIDED FURTHER, That the \$7,100,000 in Law and Justice federal funds included herein for distribution to state agencies shall be available as follows:	
Office of Economic Opportunity	
Volunteers Program.....\$	45,000
Department of Social and Health Services	
Adult Corrections	
Capital Construction.....\$	600,000
Gate Money Program.....\$	500,000
Temporary Release Services.....\$	1,500,000
Juvenile Probation Subsidy.....\$	1,400,000
State Patrol	
Law Enforcement Assistance Unit-Drug	
Abuse.....\$	250,000
Organized Crime Intelligence Unit.....\$	300,000

Bureau of Criminal Identification.....	\$ 1,000,000
Balance for Allocation by Law and Justice Committee.....	\$ 1,505,000:
PROVIDED FURTHER, That the Legislative Budget Committee shall conduct a quarterly review of the priorities and funding levels set by the State Committee on Law and Justice.....	\$ 28,091,336
<u>NEW SECTION.</u> Sec. 50. FOR THE HUMAN RIGHTS COMMISSION	
General Fund Appropriation.....	\$ 1,036,439
<u>NEW SECTION.</u> Sec. 51. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS	
Accident Fund Appropriation.....	\$ 1,010,401
Medical Aid Fund Appropriation.....	\$ 1,010,401
<u>NEW SECTION.</u> Sec. 52. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund Appropriation.....	\$ 2,878,326
General Fund-Electrical License Account Appropriation...\$	2,441,444
State Accident Fund Appropriation: PROVIDED, That \$25,000 is appropriated for a quonset hut at the Seattle Rehabilitation Center for Industrially Disabled Workmen.....	\$ 15,154,622
Medical Aid Fund Appropriation.....	\$ 13,483,751
<u>NEW SECTION.</u> Sec. 53. FOR THE EMPLOYMENT SECURITY DEPARTMENT	
General Fund Appropriation.....	\$ 469,807
General Fund Appropriation: PROVIDED, That \$421,818 of federal-General Fund moneys may be expended for the support and operation of the Cooperative Area Manpower Planning System if such funds are forthcoming from the Federal Government.....	\$ 421,818
Unemployment Compensation Administration Fund Appropriation.....	\$ 53,178,296
Administrative Contingency Fund Appropriation.....	\$ 200,000
<u>NEW SECTION.</u> Sec. 54. FOR THE AERONAUTICS COMMISSION	
General Fund--Aircraft Search and Rescue, Safety and Education Account Appropriation.....	\$ 28,000
General Fund--Aeronautics Account Appropriation.....	\$ 471,500
<u>NEW SECTION.</u> Sec. 55. FOR THE BOARD OF PILOTAGE COMMISSIONERS	
General Fund--Puget Sound Pilotage Account	

Appropriation.....\$	7,600
<u>NEW SECTION.</u> Sec. 56. FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....\$	3,235,307
<u>NEW SECTION.</u> Sec. 57. FOR THE COUNTY ROAD ADMINISTRATION BOARD	
Motor Vehicle Fund Appropriation.....\$	127,180
<u>NEW SECTION.</u> Sec. 58. FOR THE STATE PATROL	
General Fund Appropriation.....\$	5,290,492
Motor Vehicle Fund Appropriation: PROVIDED	
That \$780,000 is included to implement a new salary schedule for commissioned personnel.....\$	
	40,613,325
<u>NEW SECTION.</u> Sec. 59. FOR THE VEHICLE EQUIPMENT SAFETY COMMISSION	
Motor Vehicle Fund Appropriation.....\$	5,800
<u>NEW SECTION.</u> Sec. 60. FOR THE DEPARTMENT OF MOTOR VEHICLES	
General Fund Appropriation.....\$	2,284,207
Highway Safety Fund Appropriation: For driver licensing examining stations.....\$	
	77,094
General Fund--Architect's License Account	
Appropriation.....\$	80,612
General Fund--Commercial Automobile Driver Training Schools Account Appropriation.....\$	
	3,373
General Fund--Optician's Account Appropriation.....\$	3,100
General Fund--Optometry Account Appropriation.....\$	15,435
General Fund--Professional Engineer's Account	
Appropriation.....\$	249,625
General Fund--Real Estate Commission Account	
Appropriation.....\$	1,317,179
General Fund--Sanitarian's Licensing Account	
Appropriation.....\$	6,397
General Fund--Board of Psychological Examiners' Account Appropriation.....\$	
	8,766
Highway Safety Fund Appropriation:	
PROVIDED, That up to \$500,000 of this appropriation may be utilized by the Director of the Department of Motor Vehicles, at his discretion, to fund the continuation of the department's program in highway safety for control and identification of the drinking driver, known as Alcohol Safety Action Project	

(A.S.A.P.).....\$ 12,999,438
 Motor Vehicle Fund Appropriation.....\$ 12,012,629

NEW SECTION. Sec. 61. FOR THE COLUMBIA

RIVER GORGE COMMISSION

General Fund Appropriation: PROVIDED, That the
 commission shall include a report to the
 President pro tem of the Senate in their
 reports to the Legislature pursuant to RCW

43.49.070.....\$ 3,000

NEW SECTION. Sec. 62. FOR THE DEPARTMENT

OF ECOLOGY

General Fund Appropriation: PROVIDED, That
 \$767,000 of this appropriation shall be
 expended as matching funds for activated
 air pollution control authorities and if
 such authorities do not match these funds
 during the 1973-75 biennium in an amount
 equal to the amount appropriated by this
 proviso, then the unexpended state funds
 shall revert to the department of ecology
 and it is the intent of the legislature
 that no additional job positions be
 created by activated air pollution
 control authorities with funds available
 from this proviso: PROVIDED FURTHER,
 That in order to prevent unnecessary
 expenditures it is the intent of the
 legislature that the department make
 use of the air monitoring and
 surveillance capabilities of activated
 air pollution control authorities

wherever possible.....\$ 13,573,988

General Fund--Reclamation Revolving Account

Appropriation.....\$ 522,737

General Fund--Litter Control Account Appropriation.....\$ 1,687,469

Basic Data Fund Appropriation.....\$ 170,000

General Fund--Water Pollution Control

Facilities Account: For proposed
 reappropriation from earlier water

pollution control bond funds.....\$ 14,908,000

NEW SECTION. Sec. 63. FOR THE POLLUTION

CONTROL HEARINGS BOARD

General Fund Appropriation.....\$ 279,917

NEW SECTION. Sec. 64. FOR THE THERMAL POWER

PLANT SITE EVALUATION COUNCIL

General Fund Appropriation.....\$	149,508
<u>NEW SECTION.</u> Sec. 65. FOR THE SHORELINES HEARINGS BOARD	
General Fund Appropriation.....\$	107,200
<u>NEW SECTION.</u> Sec. 66. FOR THE PARKS AND RECREATION COMMISSION	
General Fund Appropriation.....\$	14,659,882
Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways, and bridges within the state parks: PROVIDED, That \$68,755 shall be used for road improvements and guard rails on Mt. Spokane road from Bald Knob to the summit.....\$	
General Fund--Trust Land Purchase Account Appropriation.....\$	568,775
<u>NEW SECTION.</u> Sec. 67. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION	
General Fund--Outdoor Recreation Account Appropriation: PROVIDED, That not to exceed \$657,993 will be used for administrative expenses.....\$	
	21,943,676
<u>NEW SECTION.</u> Sec. 68. FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	
General Fund Appropriation.....\$	2,396,656
Motor Vehicle Fund Appropriation--For operation of information centers.....\$	
	285,521
<u>NEW SECTION.</u> Sec. 69. FOR EXPO '74 COMMISSION	
General Fund Appropriation.....\$	196,291
<u>NEW SECTION.</u> Sec. 70. FOR THE DEPARTMENT OF FISHERIES	
General Fund Appropriation: PROVIDED, That \$200,000 will be used only for salt water rearing pens and food for the Sport Fishery Enhancement Program.....\$	
	13,843,403
General Fund--Lewis River Hatchery Account Appropriation.....\$	
	26,640
<u>NEW SECTION.</u> Sec. 71. FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....\$	18,230,425
<u>NEW SECTION.</u> Sec. 72. FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund Appropriation: PROVIDED, That it is the intent of the Legislature that the department of Natural Resources and the department of Social and Health Services will enter into a cooperative contractual agreement to operate the Larch	

Mountain honor camp, as in past biennia, for the 1973-75 biennium.....	\$	10,747,266
General Fund Appropriation--Emergency Fire Suppression costs: PROVIDED, That the funds hereby appropriated shall be allocated and transferred to the Contingency Forest Fire Suppression Account only as actually needed for purposes of paying emergency forest fire suppression costs.....	\$	1,000,000
General Fund--Contingency Forest Fire Suppression Account Appropriation.....	\$	1,000,000
General Fund--Forest Development Account Appropriation..	\$	4,055,676
General Fund--Resource Management Cost Account Appropriation: PROVIDED, That it is the intent of the Legislature that the department prepare a plan for presentation to the first session of the legislature after January 1, 1974 to accelerate the agency program to rehabilitate substandard forest lands and bring state timber lands to maximum productivity.....	\$	17,511,206
General Fund--Landowners Contingency Forest Fire Suppression Account Appropriation.....	\$	1,000,000
<u>NEW SECTION.</u> Sec. 73. FOR THE DEPARTMENT OF AGRICULTURE		
General Fund Appropriation: PROVIDED, That up to \$10,000 shall be used for suppression and control of starling birds.....	\$	3,954,211
General Fund--Commercial Feed Account Appropriation.....	\$	177,956
General Fund--Commission Merchants Account Appropriation.....	\$	121,698
General Fund--Egg Inspection Account Appropriation.....	\$	290,776
General Fund--Feeds and Fertilizer Account Appropriation.....	\$	9,476
General Fund--Agricultural Mineral and Lime Account Appropriation.....	\$	203,135
General Fund--Nursery Inspection Account Appropriation.....	\$	181,583
General Fund--Seed Account Appropriation.....	\$	490,655
Grain and Hay Fund Appropriation.....	\$	3,012,923
<u>NEW SECTION.</u> Sec. 74. FOR WASHINGTON FUTURE PROGRAM		
Appropriated to: INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION General Fund--Outdoor Recreation Account Appropriation..	\$	5,000,000

DEPARTMENT OF ECOLOGY

General Fund--State and Local Improvements

Account Appropriation: PROVIDED, That the state portion of the overall cost of any individual project shall not exceed fifteen percent except that (1) the state portion of solid waste management, lake rehabilitation, irrigation return flows or water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and (3) the state may loan one hundred percent of the eligible costs of preconstruction activities.....\$ 33,150,000

DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund--State and Local Improvements

Account Appropriation: PROVIDED, That the funds appropriated herein, or so much thereof as shall be necessary, be utilized along with Federal, private, and local funds indicated by the department to be available for establishment and development of a community social and health services support facility at the present Northern State Hospital site: PROVIDED, That the Legislature herein makes a finding that the establishment and development of such a community support center is consistent with and considered an integral part of the comprehensive plan of the department for a system of social and health service facilities: PROVIDED FURTHER, That the department is directed, within the funds appropriated for community support programs, and other operational funds which are, or may become, available from Federal, private, and local sources, where utilization of such funds is consistent with total support levels proposed for the 1973-75 biennium, to utilize, to the maximum extent possible,

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such funds before expenditures are made from this appropriation.....\$	4,242,807
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NEW SECTION. Sec. 75. FOR THE COMPACT
FOR EDUCATION
General Fund Appropriation: PROVIDED, That \$2,000
shall be available exclusively for travel and
expenses of the commissioners.....\$ 23,000

NEW SECTION. Sec. 76. FOR THE COUNCIL ON
HIGHER EDUCATION
General Fund Appropriation: PROVIDED, That \$1,800,000
of this appropriation shall be used as authorized
by RCW 28B.10.830 through 28B.10.836 to aid
Washington residents attending private institutions
of higher education on a full-time basis: PROVIDED
FURTHER, That \$2,800,000 shall be used for the
purposes of the state student financial aid program
authorized by RCW 28B.10.800 through 28B.10.824:
PROVIDED FURTHER, That an amount not to
exceed six percent of all such funds
appropriated pursuant to the provisions
of RCW 28B.10.830 through 28B.10.836 and RCW
28B.10.800 through 28B.10.824 may be used
for administrative costs of the Council
on Higher Education until June 30, 1975.....\$ 5,499,967

NEW SECTION. Sec. 77. FOR THE STATE LIBRARY
General Fund Appropriation: PROVIDED, That
\$1.5 million of this appropriation shall
be allotted to local library districts to
aid in maintaining present
levels of library service,
and \$863,000 for the potential loss of
Federal funds in the state library
development and reader services program.....\$ 6,306,481

NEW SECTION. Sec. 78. FOR THE ARTS
COMMISSION
General Fund Appropriation.....\$ 813,151

NEW SECTION. Sec. 79. FOR THE WASHINGTON
STATE HISTORICAL SOCIETY
General Fund Appropriation.....\$ 339,777

NEW SECTION. Sec. 80. FOR THE EASTERN
WASHINGTON STATE HISTORICAL SOCIETY
General Fund Appropriation.....\$ 231,631

NEW SECTION. Sec. 81. FOR THE STATE CAPITOL
HISTORICAL ASSOCIATION
General Fund Appropriation.....\$ 221,523

General Fund--State Capitol Historical Association
 Museum Account Appropriation.....\$ 40,000
NEW SECTION. Sec. 82. FOR THE COORDINATING
 COUNCIL FOR OCCUPATIONAL EDUCATION AND ADVISORY COUNCIL
 FOR OCCUPATIONAL EDUCATION
 General Fund Appropriation: PROVIDED, That not
 more than \$1,431,716 shall be from state
 funds: PROVIDED FURTHER, That no state
 funds shall be expended by the Advisory
 Council for Occupational Education.....\$ 26,777,604
NEW SECTION. Sec. 83. FOR THE TEACHERS'
 RETIREMENT SYSTEM
 Teachers' Retirement Fund Appropriation.....\$ 1,257,683
 General Fund Appropriation: For
 contributions to Teachers' Retirement
 System Funds.....\$ 61,631,981
NEW SECTION. Sec. 84. FOR THE HIGHER
 EDUCATION PERSONNEL BOARD
 Higher Education Personnel Board Service Fund
 Appropriation.....\$ 583,854
NEW SECTION. Sec. 85. FOR THE WESTERN
 INTERSTATE COMMISSION FOR HIGHER EDUCATION
 General Fund Appropriation.....\$ 85,000
NEW SECTION. Sec. 86. FOR THE GOVERNOR-
 SPECIAL APPROPRIATIONS
 General Fund Appropriation:
 Governor's Emergency, to be allocated for the
 carrying out of the critically necessary work
 of any agency: PROVIDED, That \$700,000 may
 be allotted by the Governor for surveys and
 installations: PROVIDED, That up to \$150,000
 be used for expenses related to the National
 Governor's Conference to be held in
 Washington: PROVIDED FURTHER, That up to
 \$100,000 may be used for expenses related
 to official state functions during Expo '74.....\$ 1,380,000
 Interstate Nuclear Compact.....\$ 20,000
 Advisory Commission on Intergovernmental Relations..\$ 2,000
 Council of State Governments.....\$ 56,360
 For additional state contribution to
 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, institutions
 of higher education and for insurance

benefits for local school district employees as provided by law: PROVIDED, That payments from these funds shall be utilized to provide up to \$20 per state employee per month, and up to \$15 per month for local school district employees provided the respective local districts contribute not less than an additional \$5 per month for such employees from local funds, and up to \$20 per month per employee of the state institutions of higher education.

General Fund Appropriation.....	\$	10,100,540
General Fund--Commercial Feed Account Appropriation.....	\$	827
General Fund--Commission Merchants Account Appropriation.....	\$	551
General Fund--Egg Inspection Account Appropriation.....	\$	1,309
General Fund--Electrical License Account Appropriation.....	\$	9,102
General Fund--Fertilizer, Agricultural, Mineral and Lime Account Appropriation.....	\$	896
General Fund--Architects License Account Appropriation.....	\$	361
General Fund--Optometry Account Appropriation.....	\$	120
General Fund--Professional Engineers Account Appropriation.....	\$	1,084
General Fund--Real Estate Commission Account Appropriation.....	\$	5,538
General Fund--Forest Development Account Appropriation.....	\$	13,737
General Fund--Investment Reserve Account Appropriation.....	\$	3,060
General Fund--Nursery Inspection Account Appropriation.....	\$	827
General Fund--Reclamation Revolving Account Appropriation.....	\$	1,092
General Fund--Litter Control Account Appropriation.....	\$	3,514
General Fund--Seed Account Appropriation.....	\$	2,205
General Fund--Aeronautics Account Appropriation.....	\$	600
General Fund--Resources Management Cost Account Appropriation.....	\$	57,262
General Fund--Traffic Safety Education Account Appropriation.....	\$	1,680
General Fund--Outdoor Recreation Account		

Appropriation.....\$	2,160
Game Fund Appropriation.....\$	64,380
Grain and Hay Inspection Fund Appropriation.....\$	13,641
Motor Vehicle Fund Appropriation.....\$	762,809
Public Service Revolving Fund Appropriation.....\$	19,920
Armory Fund Appropriation.....\$	841
Highway Safety Fund Appropriation.....\$	54,898
Horse Racing Commission Fund Appropriation.....\$	840
v—General Legal Services Revolving Fund Appropriation.....\$	21,471
Department of Personnel Service Fund Appropriation.....\$	13,440
Higher Education Personnel Board Service Fund Appropriation.....\$	1,680
Liquor Board Revolving Fund Appropriation.....\$	136,320
Retirement System Expense Fund Appropriation.....\$	6,600
Accident Fund Appropriation.....\$	61,629
Medical Aid Fund Appropriation.....\$	60,637
Teachers' Retirement Fund Appropriation.....\$	4,440
Volunteer Firemen's Relief and Pension Fund Appropriation.....\$	240
Motor Vehicle Excise Fund Appropriation.....\$	397
General Administration Facilities and Services Revolving Fund Appropriation.....\$	22,637
State Treasurer's Service Fund Appropriation.....\$	4,320
War Veterans' Compensation Fund Appropriation.....\$	660
General Fund Appropriation: For continuation during the 1973-75 biennium of the \$40 per month salary increase granted to eligible employee groups effective February 1, 1973.....\$	29,000,000
General Fund Appropriation: To provide effective January 1, 1974, sufficient general fund state appropriations as are necessary to implement 50% of the salary increase for state and higher education classified employees as contained in the State Personnel Board and H.E.P.B. July 1972 Salary Survey as updated to July 1, 1973 and for comparable salary increases for employees of judicial agencies.....\$	13,898,615
Special Fund Salary Increase Revolving Fund Appropriation: There is hereby created in the state treasury the Special Fund Salary Increase Revolving Fund which shall be used solely to	

facilitate payment of state employee salary increases from special funds, and the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement 50%, effective January 1, 1974, of the salary increase for state and higher education classified employees as contained in the State Personnel Board and H.E.P.B. July 1972 Salary Survey as updated to July 1, 1973.....\$

11,300,000

General Fund Appropriation: For a salary increase effective July 1, 1973, for faculty and exempt personnel of the four year units of higher education: PROVIDED, That the amount allocated shall be sufficient to assure an average salary increase of three and one-half percent over the average salary rate in effect on

February 2, 1973.....\$

7,350,000

General Fund Appropriation: For a salary increase for faculty and exempt personnel of the community colleges: PROVIDED, That the amount allocated shall be sufficient to assure an average salary increase of five percent over the average salary rate in effect September 1, 1973: PROVIDED FURTHER, That these funds be disbursed by the districts in a manner consistent with guidelines prepared by the State

Board.....\$

5,120,514

General Fund Appropriation: For an average five percent salary increase for certificated employees of local school districts effective September 1, 1973: PROVIDED, That it is the intent of the legislature that these funds shall be used

exclusively for salary increases,
 exclusive of increments, for
 certificated employees and shall be
 allocated through the school
 apportionment formula: PROVIDED
 FURTHER, That if school districts do
 not grant certificated employees a
 salary increase equal to an average
 of 5 percent, exclusive of increments,
 funds distributed for this purpose
 through the apportionment formula shall
 be reduced proportionately.....\$ 42,357,562

General Fund Appropriation: For
 continuation of the \$40 per month
 salary increase provided
 February 2, 1973: PROVIDED, That
 these salary increase funds shall
 be allocated through the school
 apportionment formula.....\$ 19,114,368

There is appropriated from the following
 special funds the dollar amounts
 necessary to continue the \$40 per month
 salary increase granted to eligible employee
 groups effective February 1, 1973

(1) FOR THE STATE TREASURER

General Fund-Investment Reserve Account

Appropriation.....\$ 20,237

State Treasurer's Service Fund Appropriation.....\$ 45,586

War Veterans' Compensation Fund Appropriation.....\$ 14,174

Motor Vehicle Fund Appropriation.....\$ 730

(2) FOR THE ATTORNEY GENERAL

Legal Services Revolving Fund Appropriation.....\$ 66,312

(3) FOR THE OFFICE OF PROGRAM PLANNING
 AND FISCAL MANAGEMENT

Motor Vehicle Excise Fund Appropriation.....\$ 4,771

(4) FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Revolving Fund

Appropriation.....\$ 121,795

(5) FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM

Retirement System Expense Fund Appropriation.....\$ 60,298

(6) FOR THE FINANCE COMMITTEE

General Fund-Investment Reserve Account Appropriation...\$ 15,293

(7) FOR THE DEPARTMENT OF GENERAL
 ADMINISTRATION

General Administration Facilities and Services

Revolving Fund Appropriation.....\$	202,968
(8) FOR THE AERONAUTICS COMMISSION	
General Fund-Aeronautics Account Appropriation.....\$	8,059
(9) FOR THE HORSE RACING COMMISSION	
Horse Racing Commission Fund Appropriation.....\$	8,294
(10) FOR THE INDUSTRIAL INSURANCE APPEALS	
BOARD	
Accident Fund Appropriation.....\$	31,848
Medical Aid Fund Appropriation.....\$	31,848
(11) FOR THE LIQUOR CONTROL BOARD	
Liquor Board Revolving Fund Appropriation.....\$	1,192,584
(12) FOR THE PUGET SOUND PILOTAGE COMMISSION	
General Fund-Puget Sound Pilotage Account	
Appropriation.....\$	192
(13) FOR THE UTILITIES AND TRANSPORTATION	
COMMISSION	
Public Service Revolving Fund Appropriation.....\$	193,373
(14) FOR THE BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen Relief and Pension Fund	
Appropriation.....\$	2,112
(15) FOR THE STATE PATROL	
Motor Vehicle Fund Appropriation.....\$	1,360,195
(16) FOR THE TRAFFIC SAFETY COMMISSION	
Highway Safety Fund Appropriation.....\$	9,590
(17) FOR THE DEPARTMENT OF LABOR AND	
INDUSTRIES	
General Fund-Electrical License Account Appropriation...\$	77,174
Accident Fund Appropriation.....\$	487,781
Medical Aid Fund Appropriation.....\$	561,269
(18) FOR THE DEPARTMENT OF MOTOR VEHICLES	
General Fund-Architects License Account Appropriation...\$	3,408
General Fund-Optometry Account Appropriation.....\$	1,138
General Fund-Professional Engineers Account	
Appropriation.....\$	7,954
General Fund-Real Estate Commission Account	
Appropriation.....\$	50,006
Highway Safety Fund Appropriation.....\$	530,789
Motor Vehicle Fund Appropriation.....\$	417,130
(19) FOR THE MILITARY DEPARTMENT	
Armory Fund Appropriation.....\$	7,632
(20) FOR THE SUPERINTENDENT OF PUBLIC	
INSTRUCTION	
General Fund-Traffic Safety Account Appropriation.....\$	17,501
(21) FOR THE TEACHERS' RETIREMENT SYSTEM	
Teachers' Retirement Fund Appropriation.....\$	41,232

(22) FOR THE HIGHER EDUCATION PERSONNEL BOARD	
Higher Education Personnel Board Service Fund	
Appropriation.....\$	17,371
(23) FOR THE DEPARTMENT OF COMMERCE AND	
ECONOMIC DEVELOPMENT	
Motor Vehicle Fund Appropriation.....\$	9,048
(24) FOR THE COUNTY ROAD ADMINISTRATION	
BOARD	
Motor Vehicle Fund Appropriation.....\$	4,128
(25) FOR THE DEPARTMENT OF ECOLOGY	
General Fund-Reclamation Revolving Account	
Appropriation.....\$	12,878
General Fund-Litter Control Account Appropriation.....\$	14,813
(26) FOR THE INTERAGENCY COMMITTEE FOR	
OUTDOOR RECREATION	
General Fund-Outdoor Recreation Account Appropriation...\$	21,490
(27) FOR THE DEPARTMENT OF GAME	
Game Fund Appropriation.....\$	593,678
(28) FOR THE DEPARTMENT OF NATURAL RESOURCES	
General Fund-Forest Development Account Appropriation...\$	101,856
General Fund-Resources Management Cost Account	
Appropriation.....\$	513,000
(29) FOR THE DEPARTMENT OF AGRICULTURE	
General Fund-Commercial Feed Account Appropriation.....\$	7,858
General Fund-Commission Merchants Account	
Appropriation.....\$	4,829
General Fund-Egg Inspection Account Appropriation.....\$	11,482
General Fund-Feed and Fertilizer Account	
Appropriation.....\$	600
General Fund-Agriculture, Mineral and Lime	
Account Appropriation.....\$	7,853
General Fund-Nursery Inspection Account Appropriation...\$	6,643
General Fund-Seed Account Appropriation.....\$	15,106
Grain and Hay Inspection Fund Appropriation.....\$	125,669
(30) FOR THE EMPLOYMENT SECURITY DEPARTMENT	
Unemployment Compensation Administration Fund	
Appropriation.....\$	2,196,096
<u>NEW SECTION.</u> Sec. 87. FOR THE STATE	
TREASURER--INTEREST ON REGISTERED WARRANTS	
Investment Reserve Account Appropriation:	
PROVIDED, That this amount shall only be	
available to pay interest incurred on	
registered warrants that may be issued	
prior to July 1, 1973: PROVIDED, FURTHER,	
That any interest paid from this	

appropriation for any treasury fund or account shall be deducted from the deposit interest distribution that would be available for the particular fund or account. The funds so deducted shall then be credited to the investment reserve account.....\$ 353,000

NEW SECTION. Sec. 88. FOR THE STATE
TREASURER FOR THE REDEMPTION OF REGISTERED WARRANTS

General Fund Appropriation: The following appropriations are hereby made for the purpose of redeeming warrants outstanding against the teachers' retirement fund for pension payments made during the 1971-73 biennium: \$25,000,000 or so much thereof as may be necessary, from surplus revenues made available to the teachers' retirement system by section 48, chapter 155, Laws of 1972 1st ex. sess., and \$8,350,000 from general fund revenues accruing during the 1973-75 biennium, or so much thereof as may be necessary, to redeem the balance of outstanding warrants on July 1, 1973.

NEW SECTION. Sec. 89. FOR THE STATE
TREASURER-TRANSFERS

Motor Vehicle Fund Appropriation: For transfer to the Grade Crossing Protection Fund for appropriation to the Utilities and Transportation Commission for the 1973-75 biennium to carry out the provisions of RCW 81.53.261, 81.53.271, 81.53.281 and 81.53.291.....\$ 518,209

General Fund Appropriation: For transfer to the Department of General Administration Facilities and Services Revolving Fund for Messenger, Archival, Parking and Building and Grounds services provided to the Senate, House of Representatives and legislative committees during the period July 1, 1973 through June 30, 1975.....\$ 419,636

General Fund--Investment Reserve Account Appropriation for transfer to the General Fund on or before June 29, 1975 pursuant to chapter 50, Laws of 1969.....\$ 5,000,000

Motor Vehicle Fund Appropriation: For transfer to the Tort Claims Revolving Fund for claims paid

on the behalf of the Department of Highways and the Washington State Patrol during the period July 1, 1973 through June 30, 1975.....\$	1,300,000
General Fund--State and Local Improvements Revolving Account Appropriation for transfer to the General Fund--Outdoor Recreation Account on or before June 30, 1975 pursuant to Chapter 129, Laws of 1972.....\$	10,000,000
General Fund Appropriation for transfer to the General Fund--Public Facilities Construction Loan and Grant Revolving Account on or before June 30, 1973, along with any amounts of the \$11,692,775 previously allocated but unexpended as of that date: PROVIDED, That notwithstanding the provisions of chapter 43.31A RCW, of such amounts transferred, \$1,500,000 shall be allocated to the planning and community affairs agency to be used exclusively for continuation of the Indian Economic and Employment Assistance Program for projects requested by reservation tribes through the person designated as the Indian Advisor; \$500,000 shall be allocated to the aeronautics commission for local airport projects; and \$322,000 shall be allocated to the department of ecology for drainage basin planning.....\$	2,322,000
<u>NEW SECTION.</u> Sec. 90. General Fund Appropriation: To implement chapter 4, Laws of 1973 (SB 2021).....\$	140,000
<u>NEW SECTION.</u> Sec. 91. General Fund Appropriation: To implement chapter 12, Laws of 1973 (SB 2079).....\$	13,000
<u>NEW SECTION.</u> Sec. 92. General Fund Appropriation: To implement chapter 118, Laws of 1973 (HB 262).....\$	31,826
<u>NEW SECTION.</u> Sec. 93. General Fund Appropriation: To implement chapter 68, Laws of 1973 (HB 279).....\$	31,662
<u>NEW SECTION.</u> Sec. 94. General Fund Appropriation: To implement chapter 21, Laws of 1973 (SB 2240).....\$	27,500
<u>NEW SECTION.</u> Sec. 95. General Fund	

Appropriation: To implement chapter 134,		
Laws of 1973 (SB 2459).....	\$	534,000
<u>NEW SECTION.</u> Sec. 96. General Fund		
Appropriation: To implement chapter 141,		
Laws of 1973 (HB 404).....	\$	95,559
<u>NEW SECTION.</u> Sec. 97. General Fund		
Appropriation: To implement chapter 5,		
Laws of 1973 1st ex. sess. (SB 2113).....	\$	385,000
<u>NEW SECTION.</u> Sec. 98. General Fund		
Appropriation: To implement chapter 59,		
Laws of 1973 (HB 175).....	\$	39,000
<u>NEW SECTION.</u> Sec. 99. General Fund		
Appropriation: To implement chapter 131,		
Laws of 1973 (HB 176).....	\$	39,000
<u>NEW SECTION.</u> Sec. 100. State		
Accident Fund Appropriation: To implement		
chapter 147, Laws of 1973 (SB 2327).....	\$	84,577
Medical Aid Fund Appropriation: To		
implement chapter 147, Laws of 1973		
(SB 2327).....	\$	84,576
<u>NEW SECTION.</u> Sec. 101. General Fund		
Appropriation: To implement chapter 139,		
Laws of 1973 (HB 381).....	\$	19,050
<u>NEW SECTION.</u> Sec. 102. General Fund		
Appropriation: To implement chapter 155,		
Laws of 1973 (HB 594).....	\$	449,434
<u>NEW SECTION.</u> Sec. 103. General Fund		
Appropriation: To implement chapter 133,		
Laws of 1973 (SB 2213).....	\$	74,000
<u>NEW SECTION.</u> Sec. 104. General Fund		
Appropriation: To implement chapter ..., Laws of		
1973 1st ex. sess. (SB 2227).....	\$	183,509
<u>NEW SECTION.</u> Sec. 105. General Fund		
Appropriation: To implement chapter ..., Laws of		
1973 1st ex. sess. (SB 2513).....	\$	47,475
<u>NEW SECTION.</u> Sec. 106. General Fund		
Appropriation: To implement chapter ..., Laws of		
1973 1st ex. sess. (SB 2435).....	\$	135,000
<u>NEW SECTION.</u> Sec. 107. General Fund		
Appropriation: To the Department of		
Labor and Industries for the		
purpose of carrying out the provisions		
of Chapter ..., Laws of 1973,		
1st ex. sess. (SB 2490).....	\$	1,000,000
<u>NEW SECTION.</u> Sec. 108. General Fund		

Appropriation: To implement chapter ..., Laws of
1973 1st ex. sess. (SB 2525).....\$ 132,000

NEW SECTION. Sec. 109. FOR

DEPARTMENT OF LABOR AND INDUSTRIES

The following sums or so much thereof as shall be found necessary are hereby appropriated out of the several funds indicated, for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided.

Plumbing Certificate Fund

Appropriation: To certify plumbers as provided in Chapter ..., Laws of 1973, 1st Ex. Sess. (SB 2101): PROVIDED, That expenditures shall not exceed revenues.....\$ 59,000

Electrical Certificate Fund

Appropriation: To certify electricians as provided in Chapter..., Laws of 1973, 1st Ex. Sess. (SB 2183): PROVIDED, That expenditures shall not exceed revenues.....\$ 80,500

Accident Fund Appropriation:

For the purpose of providing for additional operating expenses as authorized in Chapter 80, Laws of 1973 (SB 2386).....\$ 99,812

Medical Aid Fund

Appropriation: For the purpose of carrying out the provisions of Chapter 80, Laws of 1973, (SB 2386).....\$ 7,513

NEW SECTION. Sec. 110. GENERAL FUND

APPROPRIATION TO THE GOVERNOR:

To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below described elective executive, judicial, and legislative officials according to the schedule of annual salaries prescribed in this section commencing

January 1, 1974: PROVIDED, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state.....\$ 1,359,059

Schedule of Annual Salaries

Executive Officials

Governor.....	\$ 47,300
Lieutenant Governor.....	\$ 22,000
Attorney General.....	\$ 37,950
Superintendent of Public Instruction..	\$ 37,950
Commissioner of Public Lands.....	\$ 33,000
Auditor.....	\$ 29,700
Insurance Commissioner.....	\$ 29,700
Secretary of State.....	\$ 26,400
Treasurer.....	\$ 26,400

Judicial Officials

Supreme Court.....	\$ 38,000
Court of Appeals.....	\$ 35,000
Superior Court.....	\$ 32,000
Full Time District Court Judges:	
PROVIDED, That no funds shall be allocated from this appropriation to implement these salary increases.....	\$ 26,000

Legislative Officials

Legislators.....	\$ 10,560
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NEW SECTION. Sec. 111. General Fund

Appropriation: For the Data Processing function to be implemented in HB 720, chapter, Laws of 1973.....\$ 829,400

NEW SECTION. Sec. 112. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: For allocation by the Superintendent of Public Instruction for classified employee salary increases based on local prevailing wage rates and where appropriate equation with the State Department of Personnel salary schedule: PROVIDED, That the Superintendent of Public Instruction is authorized to expend from this appropriation an amount not to exceed \$50,000

for the conduct of a salary survey prior to the allocation of this appropriation: PROVIDED FURTHER, That the Superintendent of Public Instruction is authorized to appoint a five member advisory committee to assist in developing guidelines and criteria for allocation of this appropriation.....\$ 5,000,000

NEW SECTION. Sec. 113. There is hereby appropriated to the Superintendent of Public Instruction from the general fund the sum of \$300,000 to construct and to remodel existing facilities and to purchase equipment to provide a new planetarium facility at the Pacific Science Center.

NEW SECTION. Sec. 114. Supplemental General Fund Appropriation: For expenses incurred or to be incurred in the current biennium ending June 30, 1973:

- (1) To the Forest Tax Committee.....\$ 13,000
(2) To the Municipal Committee.....\$ 5,000
(3) To the Banking, Insurance and Utility Regulation Committee.....\$ 1,500
(4) To Neighbors in Need Commission for utilization of transportation of donable foods to the State of Washington.....\$ 25,000

NEW SECTION. Sec. 115. There is hereby appropriated to Western Washington State College from the general fund \$12,500 to be used in the 1973-75 biennium to cover costs incurred in hosting the Symposium on Canadian-American Relations.

NEW SECTION. Sec. 116. Notwithstanding the provisions of RCW 66.08.180, during the 1973-75 biennium the allocations to the University of Washington and Washington State University shall be reduced by \$300,000 and \$200,000 respectively and these additional funds transferred to the general fund for use by the division of health, Department of Social and Health Services, to carry out the purposes of RCW 70.96.040 as now or hereafter amended.

NEW SECTION. Sec. 117. There is hereby appropriated to the EXPO '74 Commission from the General Fund \$1,500,000 or so much thereof as remains unexpended at the end of the 1971-73 biennium from the appropriation provided to the Commission by section 3, chapter 8, Laws of 1973 (SSB 2106).

NEW SECTION. Sec. 118. There is hereby reappropriated to the Department of General Administration for the Division of Savings and Loan from the general fund \$28,836, or so much thereof as remains

unexpended on the effective date of this act, from the appropriation made to the Department for the Division of Savings and Loan by section 7, chapter 155, Laws of 1972 ex. sess.

NEW SECTION. Sec. 119. 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. 120. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all of 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 director of the office of program planning and fiscal management shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of Chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: PROVIDED, That the director of the office of program planning and fiscal management may alter the allotment requests of state colleges and universities in the following cases: (a) When necessary to reflect legislative intent as set forth in the executive budget as accepted or modified by the Legislature in the Senate or House Journals or in any formal communication from the Legislative Budget Committee; (b) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (c) When an agency proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: 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, 1973; for the sole purpose of authorizing agencies to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

NEW SECTION. Sec. 121. The receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources. Any state funds replaced by federal or other receipts shall be placed in reserve to the credit of the appropriate state fund or account, and shall not be expended, unless authorized by the legislature.

NEW SECTION. Sec. 122. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 118. Receipts for purposes of this section shall include 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.

NEW SECTION. Sec. 123. Notwithstanding the provisions of chapter 144, Laws of 1973, expenditures by state agencies from unanticipated receipts deposited in the contingency receipts fund may be made for obligations incurred prior to June 30, 1973.

NEW SECTION. Sec. 124. 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. 125. If any state funds appropriated in

this act for federal program matching purposes are not used for the purposes intended as outlined in the executive budget, such state funds shall not be expended for any other purpose until approved by the legislature.

NEW SECTION. Sec. 126. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management 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 appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 127. In addition to the amounts appropriated in this act for revenue for distribution, excluding those funds appropriated for urban mass transit assistance, and bond retirement and interest, and interest on registered warrants, 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. 128. 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 director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 129. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW 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 or otherwise acquire 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 director of the office of program planning and fiscal management.

NEW SECTION. Sec. 130. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the office of program planning and fiscal management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 131. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, including the four-year institutions of higher learning and the community colleges and positions in the offices of elective officials, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

NEW SECTION. Sec. 132. Agencies are hereby authorized and directed to pay their share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 operating appropriations. The director of the office of program planning and fiscal management may require agencies to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 133. 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. 134. 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: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 24, 1973 with the exception of items in section 14, 35, 38, 74 and 86 and all of sections 43 and 116 which are vetoed.

Filed in Office of Secretary of State April 24, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to certain items, Substitute Senate Bill No. 2854, entitled:

Veto
Message

"AN ACT Adopting the budget for certain state agencies; making appropriations and authorizing expenditures for the operations of certain state agencies for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain appropriations; and declaring an emergency."

The specific items which I have vetoed are as follows:

1. Attorney General

On page 4, line 5, and also on page 27, line 24, I have vetoed the word "General."

In making the appropriation to the Attorney General for operation of his office during the 1973-75 biennium in Section 14, and also in appropriating funds for additional state contributions for employee health insurance in Section 86, the Legal Services Revolving Fund has erroneously been referred to as the "General Legal Services Revolving Fund." To correct this reference, I have vetoed the word "General."

2. Horse Racing Commission

On Page 9, line one, I have vetoed the phrase, "at any race meet," and on line three, the phrase, "at such meet."

The purpose of the horse racing commission is to properly regulate and protect the interests of the citizens of this state and I do not believe it would be wise to restrict the amount of funds to do that job below the minimum necessary to assure adequate regulation.

By deleting these two phrases, I have concurred in the Legislature's intent to reduce and place a limit upon the regulatory expenses of the Horse Racing Commission to

three-fourths of one percent of the total parimutuel handle. This will allow the commission sufficient funds to effectively regulate racing activity at each individual track throughout the state.

Veto
Message

On page 9, beginning on line 26, I have vetoed the proviso preventing the Horse Racing Commission from employing an Executive Secretary to administer and enforce the laws and regulations governing the conduct of horse racing and parimutuel wagering in this state. The state parimutuel tax, collected and administered by the Horse Racing Commission, amounts to about \$4,000,000 per biennium. Regulating horse racing and parimutuel wagering for the public is a great responsibility, requiring several professional and technical skills which are required on a full time basis. The three-member Horse Racing Commission, whose purpose is to enforce the Horse Racing Act of 1933, through adjudicative proceedings, does not serve on a full time basis. A competent full-time administrator, serving at the pleasure of the Commission, is absolutely necessary to assist the Horse Racing Commission to effectively carry out its mission.

3. Utilities and Transportation Commission - Grade Crossing Protection

In Section 38, page 10, lines 11 through 13, I have vetoed the language ": PROVIDED FURTHER, That no expenditures may be made from this appropriation after July 1, 1973...."

During review of the appropriation to the Utilities and Transportation Commission for installation of grade crossing protective devices, the Legislature determined that specific authority should be given to the Commission to make advance orders for protective devices. It appears the Legislature also intended that even though orders for protective devices might be placed prior to the end of the current biennium, actual expenditures should not be made until after July 1, 1973. In adding the restriction on expenditures, however, the Legislature inadvertently included language that prevents the expenditure of any funds appropriated for grade crossing protection devices after July 1, 1973. I am convinced there was no intent to prohibit expenditures for this desirable program during the

1973-75 biennium. The language deleted removes this^{Veto} prohibition against the expenditure of funds during the_{Message} 1973-75 biennium while still permitting the Commission to make advanced orders for protective devices as intended by the Legislature.

4. Superintendent of Public Instruction - Special Levy Relief

I have deleted Section 43 which appears on pages 10 and 11 in its entirety.

This section appropriates \$40 million to the Superintendent of Public Instruction to be distributed as prescribed by the Legislature for special levy relief. The Legislature did not prescribe how the funds are to be distributed, however, and lacking that direction, the Department cannot make any distribution from the proposed appropriation. The section is therefore inoperative.

In addition to the defect noted above, I have concluded that the possible budgetary ramifications of providing these funds for special levy relief at this time are offset by the undesirable consequences which might flow from that decision even if the funds could be distributed. Although the Legislature apparently intended to provide funds for special levy relief through reductions made in the appropriations for a number of agencies, this proposed appropriation could place the entire budget in jeopardy and might well leave us in the near future facing the unhappy alternatives of either ratable reductions in Public Assistance or higher taxes. The Public Assistance caseloads projected in the budget that I submitted to the 1973 Legislature reflected a substantial decline in the rate of growth we have experienced over the past several years. These conservative estimates of caseloads were reduced further by the Legislature to a level which appears unrealistic. In spite of the fact that a \$10.5 million contingency appropriation was provided in the event that caseloads exceeded those estimated by the Legislature, the appropriation for public assistance recipients remain some \$17 million below the conservative needs contained in my budget request.

If the public assistance caseloads exceed those

funded by the Legislature, the state might well be faced with either ratable reductions in payments to public assistance recipients or increased taxes to fund the higher caseloads. Veto
Message

Clearly, a tax increase would defeat the very purpose sought by the Legislature in proposing special levy relief. Moreover, I cannot believe that the taxpayers of the state would favor reductions in the payments made to elderly, handicapped, and disadvantaged persons, who have faced great difficulties in living on a fixed income during a period of sharply increasing costs of living.

Although I agree completely with the general intent evidenced by this attempt to reduce special levies for school purposes, the proposed appropriation might not only jeopardize the entire 1973-75 budget, but it is also premature. The Legislature will meet in September of this year and also in January of 1974. The September meeting will afford an opportunity to review revenues and public assistance caseloads to see at that time if relief of this type can be authorized. Because the special levy proposal cannot be implemented in the absence of legislative direction to the Superintendent of Public Instruction on how the funds are to be distributed, action by the Legislature in September will not result in any delay.

In addition, the 1973 Legislature has placed a constitutional amendment for tax reform before the voters. If this proposal is adopted at the 1973 general elections, the 1974 Legislature will have an opportunity to review state expenditures, state revenues, and also special levy relief in the total context of tax reform and with much improved information on the actual level of public assistance and other state operating costs for the 1973-75 biennium.

5. Department of Social and Health Services - Northern State Hospital

In Section 74, on pages 22 and 23, I have vetoed the proposed appropriation of \$4,242,807 for the continued operation of Northern State Hospital during the 1973-75 biennium.

Because no capital construction is specifically contemplated by this section, most of the appropriation is clearly intended for operational purposes. Yet the appropriation is made from the proceeds of Referendum 29 bonds authorized by the voters in 1972. Expenditures of bond proceed funds for purposes other than those specified in the issue and approved by the voters is prohibited by Article VIII, Section 3 of the Washington Constitution, and Referendum 29 clearly contemplates that proceeds from the sale of bonds shall be used for "the planning, acquisition, construction, and improvement of health and social service facilities...." Nowhere does Referendum 29 refer to the use of funds for operational purposes.

Veto
Message

The conclusion that bond proceeds cannot be expended for operational purposes is reinforced by the definition of "social and health service facilities," which appears in Section 5 of Referendum 29 as follows:

As used in this act, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state...."

A further legal problem exists because Referendum 29 creates, as a condition precedent to the expenditure of any moneys, the development of a comprehensive plan for a system of social and health service facilities. While the proposed appropriation contains a legislative finding "that the establishment and development of such a community support center is consistent with and considered an integral part of the comprehensive plan of the Department for a system of social and health service facilities," such a finding would be subject to criticism and challenge as being inconsistent with the intent of Referendum 29.

In addition to these critical legal problems, I would like to point out that the 1973 Legislature appropriated \$250,000 to the Department of Social and Health Services to complete a comprehensive plan for the development of a system of social and health services

facilities for the state. This planning process will begin almost immediately. It is expected that the Department will present a completed plan to the 1974 Legislature, and any utilization of facilities at Northern State Hospital will be included as a part of that comprehensive plan. Authorization to continue the Hospital at this time might not only needlessly restrict the Department in developing a comprehensive state plan for social and health services, but might also commit a substantial portion of the resources available under Referendum 29 to the detriment of facilities in other areas of the state.

Veto
Message

In addition to continuation of an institution that is not needed, the proposed appropriation appears to contemplate a marked change from the present single program of Northern State Hospital to a multi-service program. This program change would be costly not only because of the unique staffing requirements for a multi-service program, but also because of the high fixed costs of maintaining a large institution such as Northern State Hospital. Although the Legislature has proposed funds to continue the operation of Northern but has not authorized additional staff for this purpose, operation of the hospital would, therefore, require the reassignment of staff to the detriment of other essential programs of the Department of Social and Health Services.

Finally, to ease the transition when major state facilities are closed, I requested that the 1973 Legislature adopt the Economic Impact Act which would have provided assistance to employees displaced and also direct economic assistance to communities affected by institutional closures. This act was not adopted, and I will urge in the strongest possible terms that the Legislature take action on the proposal at its September meeting.

6. Transfer of Funds

I have vetoed Section 116, which appears on pages 41 and 42, in its entirety.

The Legislature was inadvertently advised to include Section 116 which reduces the allocation of Class H Liquor License revenue transferred to the University of Washington

and Washington State University during the 1973-75 biennium under the provisions of RCW 66.08.180. If this section is not deleted, the University of Washington will receive \$300,000 less than anticipated, Washington State University will receive \$200,000 less than anticipated, and the Division of Health-Department of Social and Health Services will receive \$500,000 more than anticipated for alcoholism programs authorized by RCW 70.96.040. Veto
Message

Although the language of this section does not contain the word "appropriation," in the absence of any specific language to the contrary, the effect is an appropriation of \$500,000 for additional expenditures by the Division of Health. The Alcoholism Program of the Division of Health was funded at the level recommended in my proposed budget for the 1973-75 biennium, and I do not believe the Legislature intended to provide additional funds for that program.

With the exception of the items described above, the remainder of the bill is approved."

CHAPTER 138

[Engrossed Senate Bill No. 2045]

COMPARATIVE NEGLIGENCE--IMPUTED NEGLIGENCE

AN ACT Relating to civil procedure; creating a new chapter in Title 4 RCW; and declaring an effective date.

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

NEW SECTION. Section 1. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages caused by negligence resulting in death or in injury to person or property, but any damages allowed shall be diminished in proportion to the percentage of negligence attributable to the party recovering.

NEW SECTION. Sec. 2. The negligence of one marital spouse shall not be imputed to the other spouse to the marriage so as to bar recovery in an action by the other spouse to the marriage, or his or her legal representative, to recover damages from a third party caused by negligence resulting in death or in injury to the person.

NEW SECTION. Sec. 3. This act takes effect as of 12:01 a.m. on April 1, 1974.

NEW SECTION. Sec. 4. If any provision of this act or the application thereof to any person or circumstance is held

unconstitutional, the remainder of this act and the application of such provisions to other persons or circumstances shall not be affected thereby, and it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional provision.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall constitute a new chapter in Title 4 RCW.

Passed the Senate March 31, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973.

Filed in Office of Secretary of State April 24, 1973.

CHAPTER 139

[Engrossed Substitute Senate Bill No. 2800]

DEPARTMENT OF SOCIAL AND HEALTH

SERVICES BUDGET

AN ACT Adopting the budget for the department of social and health services and allied agencies; making appropriations and authorizing expenditures for the operations of the department and allied agencies for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain 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 for the department of social and health services and its allied agencies and subject to the provisions set forth in the following sections, the several amounts specified in the following sections, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages and other expenses and for other specified purposes for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

General Fund Appropriation: PROVIDED, That

\$594,866,929 is from state funds and

\$6,541,168 is from private and local funds and

\$417,713,198 is from federal funds: PROVIDED,

That any proposal to expend moneys or man

years from an appropriated fund or account

in excess of appropriations provided by law, based

upon the receipt of unanticipated revenues, shall be submitted to the House Ways and Means Committee and to the Senate Ways and Means Committee, if the state legislature is in session, or to the legislative budget committee during the interim between legislative sessions which may authorize the expenditure of unanticipated receipts during the legislative interim arising from federal sources, gifts or grants, by a majority of the members: PROVIDED, That the Department initiate negotiations with the federal government for federal administration of the state supplementation of the supplemental security income program and also initiate negotiations for the optional federal administration of eligibility for medicaid by the adult recipients: PROVIDED, That a draft negotiated contract shall be submitted to the Legislative Budget Committee or to the House and Senate Ways and Means Committees if the Legislature is in session by Sept. 15, 1973 for their review and such contract shall not be completed without legislative authorization: PROVIDED, That if the claim made by the state to the U. S. Department of Health, Education and Welfare on October 24, 1972 for reimbursement in the amount of \$32,876,903 is sustained or any portion of that claim is sustained such funds shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That all disputes arising between the state and the United States Department of Health, Education, and Welfare involving the state's claim to federal reimbursement of state expenditures as provided by the applicable provisions of Titles I, IV, X, XIV, XVI and XIX of the Social Security Act which would have

the effect of reducing or increasing any appropriation or any part thereof shall be negotiated and settled only with the consent of a majority of the members of the House Ways and Means Committee and the Senate Ways and Means Committee: PROVIDED, That the sum of \$5,508,264 currently being held by the State Treasurer in Suspense Fund 705 pending the completion of a federal review of the legitimacy of the claim for such moneys shall continue to be held and no allocation or disbursements of these funds, except to repay the federal government if necessary, shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That if the Department claims additional matching for the period of October 1, 1972 through June 30, 1973, or any portion thereof, such moneys shall be deposited by the State Treasurer in Suspense Fund 705 and no allocation or disbursements of these funds shall be made until a legislative appropriation determining the use of such moneys shall be enacted into law: PROVIDED, That the department shall deploy personnel in such a manner as to insure, insofar as is possible, that ineligible persons shall be removed from current caseloads, errors resulting in overpayments or underpayments to recipients shall be corrected, efforts shall be made to insure that only eligible individuals are added to the public assistance caseloads and that caseloads are kept within the estimates for which funds are herein provided: PROVIDED, That compliance with this act and the attempt to contain caseloads within acceptable limits shall be accomplished but, notwithstanding the provisions of RCW 74.08.040, the Department shall not impose ratable reductions, or any other form of

reduction in public assistance grants which are in addition to, or in any way lower the maximums presently imposed: PROVIDED, That the agency charged with the responsibility for performance or management audits shall periodically monitor departmental management to insure that compliance with these provisions is being maintained:

PROVIDED FURTHER, That this appropriation shall be expended for the following purposes.....\$1,019,121,295

Adult Corrections and Rehabilitative Services

Program.....\$ 42,208,916

Juvenile Rehabilitation Program: PROVIDED,

That it is the intent of the legislature that the delinquency prevention program shall be continued

in combination with the protective services program.....\$ 29,994,492

Mental Health Program.....\$ 51,994,015

Developmental Disabilities Program: PROVIDED,

That \$115,050 is appropriated for auditory training systems for use at the state school for the deaf: PROVIDED, That of the new positions authorized in this act twenty-five shall be developmental disability community workers added during the first year of the biennium and an additional twenty-five developmental disability community workers to be added during the second year of the biennium.....\$ 70,118,192

Veterans' Services Program: PROVIDED,

That the Department of Social and Health Services shall perform an in-depth study regarding the need for the Veterans' Home at Retsil, and the Soldiers' Home and Colony at Orting, and possible alternative approaches to provision of this service including, but not limited to, combining of the programs or closure of one or both homes, and the results are to be reported to the State Legislature prior to October 1, 1973.....\$ 6,431,756

Income Maintenance Program: 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 of this sum \$3,817,082 in state moneys or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing a state supplement up to the aid to families with dependent children public assistance standards for recipients of unemployment compensation benefits who, except for the restriction on eligibility for those receiving unemployment compensation benefits, meet aid to families with dependent children eligibility standards: PROVIDED, That those recipients concurrently receiving unemployment compensation benefits shall not be eligible for additional state funded medical services beyond those services now available to such recipients: 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 necessary incidentals shall not exceed fifty percent of the amount which would be paid to such a recipient if he were living in his own home: PROVIDED, That of this appropriation \$3,611,163 of which \$1,692,552 is the state share, or so much thereof as shall be necessary, shall be utilized exclusively for the purpose of providing a five percent cost of living increase for recipients of aid to families with dependent children and general assistance from July 1, 1973 through June 30, 1975: PROVIDED, That the department shall report to the legislature the total amount of all moneys deposited in the state treasury in nonrevenue accounts and the total of all moneys received for nonassistance support collections accounts and that in no event shall the department

utilize these moneys to establish new programs, to expand existing programs beyond legislatively authorized intent nor to supplant federal funds without specific legislative authorization: PROVIDED, That of this amount \$1,731,330 of which the state share shall be \$840,620 shall be utilized exclusively for the purpose of providing a five percent cost of living increase for old age assistance, aid to blind and disability assistance categorical recipients from July 1, 1973 through June 30, 1975: PROVIDED, That of this amount \$1,215,043 shall be utilized exclusively for the purpose of providing one hundred additional man-years and related costs within the employment level provided for in section 3 of this act consisting solely of welfare eligibility examiners of claims investigators and supervisors to be utilized in the local offices verification and overpayment control sections and such man-year allocations shall be so distributed as to provide the greatest impact upon insuring that income maintenance payments are made only to eligible recipients: PROVIDED, That within the employment level provided in section 3 of this act, not to exceed \$1,049,647 of this amount shall be utilized exclusively for the purpose of providing a total of seventy-six man-years and related costs for the "state investigative unit" whose responsibility shall be to investigate all complaints of fraud and to institute the proper corrective action.....\$ 350,162,055

Community Social Services Program: PROVIDED, That \$2,000,000 of this appropriation shall be used to reimburse those nonprofit voluntary agencies enumerated under RCW 74.15.020 (3) (a), (b) and (c) for costs incurred in the administration, operation and maintenance of such agencies, such costs being in addition to the purchase of care for

such children as otherwise authorized by law: PROVIDED, FURTHER, That \$786,064 in state funds, or so much thereof as shall be necessary, shall be employed exclusively for the purpose of providing for sixty manyears and related costs to continue the delinquency prevention program: PROVIDED, FURTHER, That the department may implement at its discretion a sliding scale of charges in accordance with existing statutes and

regulations.....\$ 102,176,039

State General Fund Appropriation:

For day care services for former and potential AFDC recipients.....\$

4,067,000

Medical Assistance Program:

PROVIDED, That the Department of Social and Health Services shall, commencing August 1, 1973 pay for skilled nursing care not less than the rates of \$12.82 per day per patient for Class I care, and \$10.00 per day per patient for Class II care, and shall pay not less than the rate of \$7.54 per day per resident for Intermediate care.....\$

271,581,120

: PROVIDED, That notwithstanding the provisions of RCW 18.51.090, the Department shall make a yearly inspection and investigation of all nursing homes; every inspection shall include an inspection of every part of the premises and an examination of all records including financial records, methods of administration, the general and special dietary, the dispersal of drugs, and the stores and methods of supply. The results of such inspection shall be made available to the House and Senate Ways and Means Committee and to the Legislative Budget Committee.

Public Health Program.....\$

26,945,251

Vocational Rehabilitation Program: 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 an amount up to \$100,000 shall be allocated for the Radio Talking Book program for the blind: PROVIDED, That of this appropriation \$150,000 shall be made available exclusively for the purpose of development programs for eligible disabled clients who were in vocational rehabilitation programs pursuant to performance contracts between the department and private placement agencies: PROVIDED FURTHER, That such services shall be made available in a state-wide program that teaches disabled persons (1) How to inventory their work skills and relate such skills to the labor market; (2) Where jobs fitting their work skills are most likely to be available; (3) How to conduct a systematic search for employment and how to present themselves most favorably to a prospective employer; and (4) How and where education and training are available to develop or improve marketable work skills.....\$ 29,888,865

Administration and Supporting Services Program.....\$ 33,554,044

General Fund Appropriation for medical services and supplies including adjustment of hospital costs not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Medical Assistance.....\$ 5,100,000

Vocational Rehabilitation.....\$ 25,000

General Fund Appropriation for grants to communities for mental health and mental retardation construction grants not in excess of the unexpended balance of the 1971-73 appropriations or allotments for this purpose.

Mental Health.....\$ 1,115,996

Developmental Disabilities.....\$ 303,197

NEW SECTION. Sec. 3. It is the intent of the Legislature that the department shall not expend in excess of 26,320 man-years

during the 1973-75 biennium. The department shall allocate these man-years among the various programs in such a manner as to effect the maximum efficiency and effectiveness possible: PROVIDED, That it is the further intent of the Legislature that in making necessary adjustments in man-years the Department of Social and Health Services shall retain those local office personnel officers and staff needed to maintain adequate position control and, to process personnel actions and that reductions necessitated by legislative intent shall reduce state level personnel officers: PROVIDED, That this restriction shall not apply to staff positions funded by one hundred percent federal moneys in the Office of Disability Insurance throughout the 1973-75 biennium: PROVIDED, That this restriction shall not apply to those staff positions directly concerned with the enumeration and conversion of the current old age assistance, aid to blind and disability assistance programs to Supplemental Security Income as these functions are performed through federal contract and funded one hundred percent from federal moneys for the period up to January 1, 1974: PROVIDED FURTHER, That any deviations from the overall man-year limitations because of these three exceptions shall be promptly reported to the House and Senate Ways and Means Committees chairmen if the Legislature is in session or to the Legislative Budget Committee: PROVIDED, That it is the intent of the Legislature that compliance with overall intent expressed through this act shall result in the least disruption of currently filled positions and that every effort shall be made by the Department, within the rules and regulations of the Personnel Board, to comply with the intended man-year adjustments through failing to fill vacancies caused by attrition and other similar means including reclassifications of existing positions as necessary.

NEW SECTION. Sec. 4. It is the intent of the legislature that the department of social and health services retain a degree of flexibility within the eleven purposes for which funds are herein appropriated to meet unforeseen circumstances and to capitalize upon the potential availability of other funds and sources of funds and to that end the department is authorized to seek allotment amendments reducing appropriated amounts up to a maximum of \$5,000,000 and raising other appropriated amounts up to a maximum of \$5,000,000 after notifying the Legislative Budget Committee or its successor of the department's intentions to distribute all or any portion of such moneys.

NEW SECTION. Sec. 5. 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.

NEW SECTION. Sec. 6. Notwithstanding any other provision of law, from the total funds reduced as a result of revised caseload and expenditure estimates, a sum of \$10,500,000 shall be held as revenue reserve until the Legislature has had an opportunity to determine whether the estimated caseload and expenditure reductions set forth in the Legislative Auditor's memorandum of March 2, 1973 to the chairman of the House Ways and Means Committee materialize. The department shall review its caseload and expenditure estimates and submit a report to the chairmen of the House and Senate Ways and Means Committees and the Legislative Budget Committee prior to January 1, 1974. The Legislature shall determine prior to March 1, 1974 whether all or any portion of the amount set out in this section shall be appropriated as a result of revised caseload and expenditure estimates.

NEW SECTION. Sec. 7. The words "department and allied agency" used herein means and includes every institution, whether educational, correctional, or other, and division, board and commission, except as otherwise provided in this act.

NEW SECTION. Sec. 8. In order to carry out the provisions of these appropriations and the state budget, the director of the office of program planning and fiscal management with the approval of the governor, may:

(1) Allot all of any portion of the funds herein appropriated or included in this budget, to the department for such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment. (a) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); (b) When the department proposes the expenditure of a resource not disclosed in the budget request submitted to the Governor and Legislature: PROVIDED, HOWEVER, That the aggregate of allotments for the department shall not exceed the total of applicable appropriations and local funds available to the department or allied agency. 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, 1973; for the sole purpose of authorizing the department and its allied agencies to order goods, supplies, or services for delivery after July 1, 1973: PROVIDED, That no expenditures may be made from the appropriations contained in this act, except as otherwise provided, until after July 1, 1973.

NEW SECTION. Sec. 9. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or in the appropriations enacted by the Legislature shall be used to support regular programs instead of using funds appropriated from state taxes or similar revenue sources.

NEW SECTION. Sec. 10. In the event that receipts shall be less than those estimated in the budget from any source expenditures shall be limited to the amount received and allotments made as provided in section 8. Receipts for purposes of this section shall include 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.

NEW SECTION. Sec. 11. 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. 12. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the director of the office of program planning and fiscal management 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 appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 13. Amounts received by the department or an allied 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 director of the office of program planning and fiscal management which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum interagency usage of data processing equipment and services

and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

NEW SECTION. Sec. 14. In order to obtain maximum interagency use of aircraft, the Aeronautics Commission, in accordance with RCW 43.09.210 and chapter 39.34 RCW 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 or otherwise acquire 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 director of the office of program planning and fiscal management.

NEW SECTION. Sec. 15. All contract personal services contracts except those for medical and health care and such other contracts which the director of the office of program planning and fiscal management may exempt after consultation with the Legislative Budget Committee shall be filed with the office of program planning and fiscal management and the Legislative Budget Committee prior to obligating any portion of the appropriations approved in this act.

NEW SECTION. Sec. 16. Within the rules and regulations of the Department of Personnel, as applicable, in the filling of vacant positions and in the filling of new positions of employment in state government, preference shall be given, where necessary, to nonwhite and Mexican-American applicants in order to attain the same minority employment ratio in each agency as obtains in the population of the state at large.

NEW SECTION. Sec. 17. The department and its allied agencies are hereby authorized and directed to pay their share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 operating appropriations. The director of the office of program planning and fiscal management may require agencies to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 18. 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. 19. 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: PROVIDED, That provisions of this appropriations act shall not take effect until the legislature shall have approved the entire 1973-75 biennial budget for the state of Washington.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 23, 1973 with the exception of an item in section 2 which is vetoed.

Filed in Office of Secretary of State April 24, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to one item, Substitute Senate Bill No. 2800, entitled:

Veto
Message

"AN ACT Adopting the budget for the Department of Social and Health Services and allied agencies; making appropriations and authorizing expenditures for the operations of the department and allied agencies for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; designating effective dates for certain appropriations; and declaring an emergency."

The specific item which I have vetoed is the phrase "in combination with the protective services program" which appears in Section 2, page 5, lines 8 and 9. I have vetoed the phrase in order to correct a technical error which would lead to accounting and programming problems. The Child Protective Services Program technically does not exist as a separate and distinct accounting or program entity in the Department but is part of the broad ranged Community Social Services Program. This amendment simply allows the Department to continue the program as part of the Community Services Program.

With the exception of the item described above, the remainder of the bill is approved."

CHAPTER 140

[Engrossed Senate Bill No. 2098]

COUNTY TREASURERS--INVESTMENT AUTHORITY

AN ACT Relating to public funds; amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 26, chapter 193, Laws of 1969 ex. sess. and RCW 36.29.020; amending section 15, chapter 103, Laws of 1959 and RCW 56.16.160; and amending section 16, chapter 108, Laws of 1959 and RCW 57.20.160.

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

Section 1. Section 36.29.020, chapter 4, Laws of 1963 as last amended by section 26, chapter 193, Laws of 1969 ex. sess. and RCW 36.29.020 are each amended to read as follows:

The county treasurer shall keep all moneys belonging to the state, or to any county, in his own possession until disbursed according to law. He shall not place the same in the possession of any person to be used for any purpose; nor shall he loan or in any manner use or permit any person to use the same; but it shall be lawful for a county treasurer to deposit any such moneys in any regularly designated qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer 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 in ((any short term United States government securities)) certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States: in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of ((this 1969 act)) chapter 193, Laws of 1969 ex. sess.: PROVIDED, 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 governing body shall be paid as an investment service fee to the office of the county treasurer or other municipal corporation treasurer when the interest or earnings become available to the governing body.

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest, to the maximum prudent extent, such funds or any portion thereof in (~~securities constituting the direct and general obligations of the United States government~~) certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of (~~this 1969 act~~) chapter 193, Laws of 1969 ex. sess.; PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited.

Sec. 2. Section 15, chapter 103, Laws of 1959 and RCW 56.16.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize (~~and direct~~) the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the Federal Deposit Insurance Corporation, or the Federal Savings and Loan Insurance Corporation, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys for a period shorter than

ninety days, or in an amount less than five thousand dollars, or any moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Sec. 3. Section 16, chapter 108, Laws of 1959 and RCW 57.20.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize (~~and direct~~) the county treasurer to deposit or invest such moneys in banks, mutual savings banks, or savings and loan associations in an amount in each institution no greater than the amount insured by any department or agency of the United States government, the federal deposit insurance corporation, or the federal savings and loan insurance corporation, or to invest such moneys in direct obligations of the United States government: PROVIDED, That the county treasurer may refuse to invest any district moneys for a period shorter than ninety days, or in an amount less than five thousand dollars, or any moneys, the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Passed the Senate March 24, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 141

[Engrossed Substitute Senate Bill No. 2247]

STATE TAX STRUCTURE--REVISIONS--

INCOME TAX ESTABLISHED

AN ACT Relating to revenue and taxation; adding a new title to the Revised Code of Washington; amending section 82.04.230, chapter 15, Laws of 1961 as last amended by section 2, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.230; amending section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.240; amending section 82.04.250, chapter 15, Laws of 1961 as last amended by section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250; amending section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255; amending section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.260; amending section 82.04.270, chapter 15, Laws of 1961 as last

amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270; amending section 82.04.280, chapter 15, Laws of 1961 as last amended by section 5, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.280; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.290; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030; adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 84.52 RCW; creating new sections; and prescribing an effective date.

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

PART I

GENERAL PROVISIONS

NEW SECTION. Section 1. It is the intent of the legislature in the adoption of this 1973 amendatory act to provide adequate revenues for the support of vital services for the people of this state, to promote equity in its tax structure, and to guarantee full funding of a basic program of education, as defined by the legislature.

NEW SECTION. Sec. 2. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of said act, or the application of the provision to other persons or circumstances is not affected: PROVIDED, That the provisions of this 1973 amendatory act constitute a single integrated plan for a revision of the tax structure of this state, and therefore in the event either of sections 82A-7 or 82A-8 of this 1973 amendatory act, or both such sections, are held to be invalid, each of such sections shall be deemed nonseverable and this 1973 amendatory act shall be void in its entirety and shall be of no further force and effect.

PART II

PROPERTY TAX LIMITATIONS AND REDUCTIONS

NEW SECTION. Sec. 3. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

"Business inventories" shall be exempt from property taxes according to the following schedule:

Commencing January 1, 1975 -- Twenty percent of inventory otherwise taxable.

Commencing January 1, 1976 -- Forty percent of inventory otherwise taxable.

Commencing January 1, 1977 -- Sixty percent of inventory

otherwise taxable.

Commencing January 1, 1978 -- Eighty percent of inventory otherwise taxable.

Commencing January 1, 1979 and thereafter -- One hundred percent of inventory otherwise taxable.

"Business inventories" means personal property acquired solely for the purpose of sale, or for the purpose of consuming such property in producing for sale a new article of tangible personal property of which such property becomes an ingredient or component.

NEW SECTION. Sec. 4. There is added to chapter 15, Laws of 1961 and to chapter 84.52 RCW a new section to read as follows:

Notwithstanding any other provision of law, commencing upon and after July 1, 1974 no school district shall impose an excess levy on property pursuant to law for maintenance and operation purposes.

PART III

EXCISE TAX LIMITATIONS AND REDUCTIONS

Sec. 5. Section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 11, Laws of 1971 ex. sess. and RCW 82.08.030 are each amended to read as follows:

The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under chapters 82.04, 82.16 or 82.28: PROVIDED, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9),

(10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce: PROVIDED, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers whether owned by or leased with or without drivers and used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point

outside of this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of motor vehicles pursuant to the provisions of RCW 46.16.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft requiring coast guard registration or registration by the state of principal use according to the Federal Boating Act of 1958, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the department of revenue and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the department of revenue with the regular report and a duplicate to be retained by the dealer.

(16) Sales of poultry for use in the production for sale of poultry or poultry products.

(17) Sales to nonresidents of this state for use outside of this state of machinery and implements for use in conducting a farming activity, when such machinery and implements will be transported immediately outside the state. As proof of exemption, an affidavit or certification in such form as the department of revenue

shall require shall be made for each such sale, to be retained as a business record of the seller.

(18) Sales for use in states, territories and possessions of the United States which are not contiguous to any other state, but only when, as a necessary incident to the contract of sale, the seller delivers the subject matter of the sale to the purchaser or his designated agent at the usual receiving terminal of the carrier selected to transport the goods, under such circumstances that it is reasonably certain that the goods will be transported directly to a destination in such noncontiguous states, territories and possessions.

(19) Sales to municipal corporations, the state, and all political subdivisions thereof of tangible personal property consumed and/or of labor and services rendered in respect to contracts for watershed protection and/or flood prevention. This exemption shall be limited to that portion of the selling price which is reimbursed by the United States government according to the provisions of the Watershed Protection and Flood Prevention Act, Public Laws 566, as amended;

(20) Sales of semen for use in the artificial insemination of livestock;

(21) Sales to nonresidents of this state of tangible personal property for use outside this state when the purchaser has applied for and received from the department of revenue a permit certifying (1) that he is a bona fide resident of a state or possession or Province of Canada other than the state of Washington, (2) that such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (3) that he does agree, when requested, to grant the department of revenue access to such records and other forms of verification at his place of residence to assure that such purchases are not first used substantially in the state of Washington.

Any person claiming exemption from retail sales tax under the provisions of this subsection must display a nonresident permit as herein provided, and any vendor making a sale to a nonresident without collecting the tax must examine such permit, identify the purchaser as the person to whom the nonresident permit was issued, and maintain records which shall show the permit number attributable to each nontaxable sale.

Permits shall be personal and nontransferable, shall be renewable annually, and shall be issued by the department of revenue upon payment of a fee of one dollar. The department may in its discretion designate independent agents for the issuance of permits,

according to such standards and qualifications as the department may prescribe. Such agents shall pay over and account to the department for all permit fees collected, after deducting as a collection fee the sum of fifty cents for each permit issued.

Any person making fraudulent statements in order to secure a permit shall be guilty of perjury. Any person making tax exempt purchases by displaying a permit not his own, or a counterfeit permit, with intent to violate the provisions of this subsection shall be guilty of a misdemeanor and, in addition, may be subject to a penalty not to exceed the amount of the tax due on such purchases. Any vendor who makes sales without collecting the tax to a person who does not hold a valid permit, and any vendor who fails to maintain records of permit numbers as provided in this section shall be personally liable for the amount of tax due.

(22) Sales of form lumber to any person engaged in the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof.

(23) Sales of, cost of, or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling of sand, gravel and rock when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to sales of, cost of, or charges made for such labor and services, if the sand, gravel, or rock is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(24) Sales of wearing apparel to persons who themselves use such wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(25) Sales of pollen.

(26) Sales to one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(27) The renting or leasing of motor vehicles and trailers to

a nonresident of this state for use exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and for purposes of this exemption the term "nonresident" shall apply to a renter or lessee who has one or more places of business in this state as well as in one or more other states but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained and operated from the renter's or lessee's place of business in another state.

(28) Upon and after July 1, 1974, sales of prescription drugs.

(29) Upon and after July 1, 1974, sales of food products for human consumption. "Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products excluding candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products excluding candy and confectionery, milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation, all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquor or frozen. "Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts. The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 6. Section 82.12.030, chapter 15, Laws of 1961, as last amended by section 10, chapter 299, Laws of 1971 ex. sess. and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal

property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor; or in respect to the use of property acquired by bailment and such tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 or 82.12 as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and such original bailment was prior to June 9, 1961;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the

department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of motor vehicles pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: PROVIDED, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of motor vehicles shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the department of revenue;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or

(11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of poultry in the production for sale of poultry or poultry products;

(12) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(13) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to and used exclusively by a school in connection with its driver training program: PROVIDED, That this exemption and the term "school" shall apply only to (a) the University of Washington, Washington State University, the state colleges and the state community colleges or (b) any public, private or parochial school accredited by either the state board of education or by the University of Washington (the state accrediting station) or (c) any public vocational school meeting the standards, courses and requirements established and prescribed or approved in accordance with the Community College Act of 1967 (chapter 8, Laws of 1967 first extraordinary session);

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to

members of the armed services called to active duty for training purposes for periods of less than six months and shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of any person from the armed services;

(16) In respect to the use of semen in the artificial insemination of livestock;

(17) In respect to the use of form lumber by any person engaged in the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers: PROVIDED, That such lumber is used or to be used first by such person for the molding of concrete in a single such contract, project or job and is thereafter incorporated into the product of that same contract, project or job as an ingredient or component thereof;

(18) In respect to the use of any sand, gravel, or rock to the extent of the cost of or charges made for labor and services performed in respect to the mining, sorting, crushing, screening, washing, hauling, and stockpiling such sand, gravel, or rock, when such sand, gravel, or rock is taken from a pit or quarry which is owned by or leased to a county or a city, and such sand, gravel, or rock is (1) either stockpiled in said pit or quarry for placement or is placed on the street, road, place, or highway of the county or city by the county or city itself, or (2) sold by the county or city to a county, or a city at actual cost for placement on a publicly owned street, road, place, or highway. The exemption provided for in this subsection shall not apply to the use of such material to the extent of the cost of or charge made for such labor and services, if the material is used for other than public road purposes or is sold otherwise than as provided for in this subsection.

(19) In respect to the use of wearing apparel only as a sample for display for the purpose of effecting sales of goods represented by such sample.

(20) In respect to the use of tangible personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

(21) In respect to the use of pollen.

(22) In respect to the use of the personal property of one political subdivision by another political subdivision directly or indirectly arising out of or resulting from the annexation or incorporation of any part of the territory of one political subdivision by another.

(23) Upon and after July 1, 1974, in respect to the use of prescription drugs.

(24) Upon and after July 1, 1974, in respect to the use of food products for human consumption. "Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products excluding candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products excluding candy and confectionery, milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation, all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquor or frozen. "Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts. The exemption of "food products" provided for in this paragraph shall not apply: (a) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

Sec. 7. Section 82.04.230, chapter 15, Laws of 1961 as last amended by section 2, chapter 281, Laws of 1971 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 July 1, 1974, 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-five 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. 8. Section 82.04.240, chapter 15, Laws of 1961 as last amended by section 3, chapter 281, Laws of 1971 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 July 1, 1974, the amount of tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of twenty-five 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. 9. Section 82.04.250, chapter 15, Laws of 1961 as last amended by section 4, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.250 are each amended to read as follows:

Upon every person except persons taxable under subsection (9) of RCW 82.04.260 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 July 1, 1974, 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-five one-hundredths of one percent.

Sec. 10. Section 3, chapter 65, Laws of 1970 ex. sess. and RCW 82.04.255 are each amended to read as follows:

Upon every person engaging within the state as a real estate broker; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of one percent; PROVIDED, That upon and after July 1, 1974, the amount of tax in respect to such business shall be equal to the gross income of the business, multiplied by the rate of twenty-five one-hundredths of one percent.

The measure of the tax on real estate commissions earned by the real estate broker shall be the gross commission earned by the particular real estate brokerage office including that portion of the commission paid to salesmen or associate brokers in the same office on a particular transaction: PROVIDED, HOWEVER, That where a real estate commission is divided between an originating brokerage office and a cooperating brokerage office on a particular transaction, each

brokerage office shall pay the tax only upon their respective shares of said commission: AND PROVIDED FURTHER, That where the brokerage office has paid the tax as provided herein, salesmen or associate brokers within the same brokerage office shall not be required to pay a similar tax upon the same transaction.

Sec. 11. Section 82.04.260, chapter 15, Laws of 1961 as last amended by section 5, chapter 281, Laws of 1971 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 July 1, 1974, 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 July 1, 1974, 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 July 1, 1974, 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 July 1, 1974, 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 July 1, 1974, 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 July 1, 1974, the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(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 July 1, 1974, 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-five 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 July 1, 1974, 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.

(9) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent; PROVIDED, That upon and after July 1, 1974, the amount of tax in respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five two-hundredths of one percent.

(10) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons

the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent; PROVIDED, That upon and after July 1, 1974, the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five two-hundredths of one percent.

Sec. 12. Section 82.04.270, chapter 15, Laws of 1961 as last amended by section 6, chapter 281, Laws of 1971 ex. sess. and RCW 82.04.270 are each amended to read as follows:

(1) Upon every person except persons taxable under subsections (1) or (9) 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 July 1, 1974, 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-five 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 July 1, 1974, the amount of tax as to such persons shall be computed by multiplying twenty-five 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. 13. Section 82.04.280, chapter 15, Laws of 1961 as last amended by section 5, chapter 299, Laws of 1971 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 street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used, primarily for foot or vehicular traffic including mass transportation vehicles of any kind 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 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 July 1, 1974, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of twenty-five one-hundredths of one percent.

Sec. 14. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 8, chapter 281, Laws of 1971 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, 82.04.255, 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 July 1, 1974, 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-five 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.

PART IV

NET INCOME TAX

SUBPART A

DEFINITIONS-CONSTRUCTION RULES

NEW SECTION. Section 82A-1. Short Title-Codification. This Title shall be known and may be cited as the "Washington Income Tax Code." Sections 82A-1 through 82A-58 of this act shall be codified as a new Title in the Revised Code of Washington, to be numbered Title 82A.

NEW SECTION. Sec. 82A-2. (1) Construction-Meaning of Terms. Except as otherwise expressly provided or clearly appearing from the context, any term used in this Title shall have the same meaning as when used in a comparable context in the United States Internal Revenue Code of 1954 and amendments thereto or any successor law or laws relating to federal income taxes and other provisions of the statutes of the United States relating to federal income taxes as such Code, laws and statutes are in effect for the taxable year.

(2) General Intent. It is the intention of this Title that the income subject to tax be the same as taxable income as defined and applicable to the subject taxpayer for the same tax year in the Internal Revenue Code, except as otherwise expressly provided in this Title.

NEW SECTION. Sec. 82A-3. Definitions and Rules of Interpretation. When used in this Title where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) Business Income. The term "business income" means:

(a) in the case of a corporation, its total income from whatever source derived; and

(b) in all other cases income arising from transactions and activity in the regular course of the taxpayer's trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property if the acquisition, management, and disposition of the property constitute integral parts of the taxpayer's regular trade or business operations. Such term does not include compensation or the deductions allocable thereto.

(2) Capital Asset. The term "capital asset" means (i) a capital asset as defined in section 1221 of the Internal Revenue Code (ii) property defined in section 1231 of the Internal Revenue Code and (iii) other real property.

(3) Commercial Domicile. The term "commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

(4) Compensation. The term "compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services, as used in both sections 3401 and 3402 of the Internal Revenue Code.

(5) Corporation. The term "corporation" means, in addition to an incorporated entity, an association, trust or any unincorporated organization which is defined as a corporation in the Internal Revenue Code.

(6) Department. The term "department" means the department of revenue of this state.

(7) Director. The term "director" means the director of revenue of this state.

(8) Fiduciary. The term "fiduciary" means a guardian, trustee, executor, administrator, executrix, administratrix, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(9) Financial Institution. "Financial institution" means any bank, trust company, building and loan or savings and loan association, bank holding company as defined in section 1841, chapter 17, Title 12 of the laws of the United States, or industrial bank.

(10) Financial Organization. The term "financial organization" means any bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, savings and loan association, bank holding company as defined in section 1841, chapter 17, Title 12 of the laws of the United States, building and loan association, credit union, currency exchange, cooperative bank, small loan company, sales finance company, or investment company, and any other corporation at least 90 percent of whose assets consist of intangible property and at least 90 percent of whose gross income

consists of dividends or interest or other charges resulting from the use of money or credit.

(11) Fiscal Year. The term "fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(12) Foreign Corporation. The term "foreign corporation" means a corporation organized under the laws of a foreign country or a corporation organized under the laws of any state or the United States which is domiciled in a foreign country.

(13) Includes and Including. The terms "includes" and "including" when used in a definition contained in this Title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(14) Internal Revenue Code. The term "Internal Revenue Code" means the United States Internal Revenue Code of 1954 or any successor law or laws relating to federal income taxes in effect for the taxable year.

(15) Nonbusiness Income. The term "nonbusiness income" means all income other than business income or compensation.

(16) Nonresident. The term "nonresident" means a person who is not a resident.

(17) Paid, Incurred and Accrued. The terms "paid", "incurred" and "accrued" shall be construed according to the method of accounting upon the basis of which the person's taxable income is computed under this Title.

(18) Partnership and Partner. 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 Title, a trust or estate or a corporation; and the term "partner" includes a member in such syndicate, group, pool, joint venture or organization.

(19) Person or Individual. The term "person or individual" shall be construed to mean and include an individual, a trust, estate, partnership, association, firm, company, corporation or fiduciary or any other group or combination acting as a unit.

(20) Regulations. The term "regulations" includes rules promulgated and forms prescribed by the department.

(21) Resident. The term "resident" means: (a) An individual who is domiciled in this state unless he maintains no permanent place of abode in this state and does maintain a permanent place of abode elsewhere and spends in the aggregate not more than 30 days of the taxable year in this state; or who is not domiciled in this state but maintains a permanent place of abode in this state and spends in the aggregate more than 183 days of the taxable year in this state;

(b) The estate of a decedent who at his death was domiciled in this state;

(c) A trust created by a will of a decedent who at his death was domiciled in this state; and

(d) An irrevocable trust, the grantor of which was domiciled in this state at the time such trust became irrevocable. For purposes of this subparagraph, a trust shall be considered irrevocable to the extent that the grantor is not treated as the owner thereof under sections 671 through 678 of the Internal Revenue Code.

For purpose of the definition of a "resident", a taxable year shall be deemed terminated at the date of death of an individual.

(22) Returns. The term "returns" includes declarations of estimated tax required under this Title.

(23) Sales. The term "sales" means all gross receipts of the taxpayer not allocated under sections 82A-12 through 82A-15 except as provided in section 82A-22 for sales factor purposes.

(24) State. The term "state" when applied to a jurisdiction other than this state means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any Territory or Possession of the United States, or any political subdivision of any of the foregoing.

(25) Tax includes interest and penalties and includes the tax required to be withheld by an employer on wages, unless the intention to give it a more limited meaning is disclosed by the context.

(26) Taxable Income. "Taxable income" means taxable income or net income properly returned to and ascertained by the United States government for the tax year subject to the modifications and adjustments contained in this Title.

(27) Taxable Year. The term "taxable year" or "tax year" means the calendar year, or the fiscal year ending during such calendar year, upon the basis of which the taxable income is computed under this Title. "Taxable year" or "tax year" means, in the case of a return made for a fractional part of a year under the provisions of this Title, the period for which such return is made.

(28) Taxpayer. The term "taxpayer" means any person subject to the tax imposed by this Title.

(29) Constructions. Words denoting number, gender, and so forth, when used in this Title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) Words importing the singular include and apply to several persons, parties or things;

(b) Words importing the plural include the singular; and

(c) Words importing the masculine gender include the feminine

as well.

(30) "Company" or "Association" as Including Successors and Assigns. The word "company" or "association", when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association", and in like manner as if these last-named words, or words of similar import, were expressed.

(31) Other terms. Any term used in any section of this Title with respect to the application of, or in connection with, the provisions of any other section of this Title shall have the same meaning as in such other section.

(32) Captions. Section, subsection, part and subpart headings and captions do not constitute any part of the law.

SUBPART B

TAXABLE INCOME

NEW SECTION. Sec. 82A-4. Taxable Income - Persons Other Than a Corporation, a Financial Institution or an Estate or Trust.

(1) Taxable income of persons other than a corporation, financial institution or an estate or trust means adjusted gross income as defined in the Internal Revenue Code and returned to and ascertained by the federal government for the tax year subject to the following modifications:

(a) Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal adjusted gross income less related expenses not deducted in computing federal adjusted gross income because of section 265(1) of the Internal Revenue Code.

(b) Add taxes on or measured by income to the extent the taxes have been deducted except the tax imposed by RCW 82.04 (business and occupation tax) in arriving at federal adjusted gross income.

(c) Add an amount equal to all amounts paid or accrued to the taxpayer as interest or dividends to the extent excluded from gross income in the computation of adjusted gross income.

(d) Add the amount of any deduction taken pursuant to section 613(b)(1) of the Internal Revenue Code.

(e) Deduct, to the extent included in federal adjusted gross income, income derived from obligations of the United States government which this state is prohibited by law from subjecting to a net income tax, reduced by any interest on indebtedness incurred in carrying the obligations, and by any expense incurred in the production of such income to the extent that the expenses, including amortizable bond premiums, were deducted in arriving at federal adjusted gross income.

(f) Deduct the amount paid for medical and dental care during the taxable year by the taxpayer, his or her spouse, and dependents

and allowable as a deduction for federal income tax purposes under section 213 of the Internal Revenue Code.

(g) Deduct the amount of one thousand two hundred fifty dollars multiplied by the number of exemptions allowed to the taxpayer for the same taxable year under the Internal Revenue Code.

(h) Deduct in the case of a spouse, alimony, support maintenance payments and principal sums payable in installments to the extent included in the other spouse's adjusted gross income, pursuant to the provisions of the Internal Revenue Code, but only to the extent otherwise deductible by such spouse pursuant to the provisions of the Internal Revenue Code.

(i) Deduct the amount paid by a taxpayer during the taxable year for necessary employee employment expenses, other than expenses deducted in arriving at adjusted gross income, including but not limited to union or professional association dues, fees to secure employment, work tools and required uniforms to the extent allowable as an itemized deduction under the Internal Revenue Code.

(j) Any adjustments with respect to estate and trust income as provided in section 82A-6.

(k) Any adjustments resulting from the allocation and apportionment provisions of subpart D.

(l) Any adjustments with respect to income from small business corporations as provided in section 82A-10.

(m) Any adjustments with respect to partnership income as provided in section 82A-11.

(n) Any adjustments with respect to capital assets as provided in section 82A-11.

(2) For the purposes of this section, a person other than a corporation, a financial institution or estate or trust means in addition to a resident or nonresident individual:

(a) A partner in a partnership.

(b) A beneficiary of an estate or a trust.

(3) For the purposes of this section, the taxable income of a nonresident shall be computed in the same manner as in the case of a resident, subject to the allocation and apportionment provisions of subpart D.

(4) A resident beneficiary of a trust whose taxable income includes all or part of an accumulation distribution by a trust, as defined in section 665 of the Internal Revenue Code, shall be allowed a credit against the tax otherwise due under this Title. The credit shall be all or a proportionate part of any tax paid by the trust under this Title for any preceding taxable year which would not have been payable if the trust had in fact made distribution to its beneficiaries at the times and in the amounts specified in section 666 of the Internal Revenue Code. The credit shall not reduce the

tax otherwise due from the beneficiary to an amount less than would have been due if the accumulation distribution were excluded taxable income.

(5) Taxable income of a nonresident who is a beneficiary of a resident estate or trust shall include the beneficiary's share of estate or trust income.

(6) The taxable income of a resident who is required to include income from a trust in his federal income tax return under the provisions of subpart E of subchapter J of the Internal Revenue Code, sections 671 through 678, shall include items of income and deductions from the trust in taxable income.

(7) It is the intention of this section that the income subject to tax or taxable income be computed in like manner and be the same as provided in the Internal Revenue Code, subject to adjustments specifically provided for in this Title.

(8) An addition or subtraction shall not be allowed under this section which has the effect of duplicating an item of income or deduction.

NEW SECTION. Sec. 82A-5. Taxable Income of Corporations Including Financial Institutions. (1) "Taxable income" in the case of a corporation including a financial institution means federal taxable income subject to the following adjustments:

(a) Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal taxable income, less related expenses not deducted in computing federal taxable income because of section 265 of the Internal Revenue Code.

(b) Add taxes on or measured by net income to the extent the taxes have been deducted in arriving at federal taxable income.

(c) Add any net operating loss deductions which have been deducted in arriving at federal taxable income, and deduct any net operating loss deductions as defined in subsection (3).

(d) Add any capital loss carry-over which has been deducted in arriving at federal taxable income, and deduct the capital loss carry-over that would be deductible under the Internal Revenue Code if the Internal Revenue Code had become effective on January 1, 1974.

(e) Add for corporations other than financial institutions, losses on the sale or exchange of obligations of the United States government, the income of which this state is prohibited from subjecting to a net income tax, to the extent that the loss has been deducted in arriving at federal taxable income.

(f) Add the amount of any deduction taken pursuant to section 613(b)(1) of the Internal Revenue Code.

(g) Add an amount equal to all amounts paid or accrued to the taxpayer as interest during the taxable year to the extent excluded

from gross income in the computation of taxable income.

(h) Add in the case of a cooperative association patronage dividends to the extent deducted in computing federal taxable income.

(i) Add in the case of a Western Hemisphere trade corporation, China Trade Act corporation, or possessions company described in section 931(a) of the Internal Revenue Code, an amount equal to the amount deducted or excluded from gross income in the computation of taxable income for the taxable year on account of the special deductions and exclusions (but in the case of a possessions company, net of the deductions allocable thereto) allowed such corporations under the Internal Revenue Code.

(j) Deduct, for corporations other than financial institutions, to the extent included in federal taxable income, income derived from obligations or sale or exchange of obligations of the United States government, which this state is prohibited by law from subjecting to a net income tax reduced by any interest on indebtedness incurred to carry the obligations, and by any expenses incurred in the production of such income to the extent that the expenses including amortizable bond premiums were deducted in arriving at federal taxable income.

(k) Deduct the foreign dividend gross-up included in federal taxable income pursuant to section 78 of the Internal Revenue Code.

(l) Any adjustments resulting from the apportionment provisions of subpart D of this Title and the accounting provisions of section 82A-34.

(m) Any adjustments with respect to capital assets as provided in section 82A-11.

(2) Federal taxable income means "taxable income" as defined in section 63 of the Internal Revenue Code plus any special deductions for corporations for dividends received allowed by sections 241, 243, 244, 245, 246 and 247 of the Internal Revenue Code.

"Taxable income" for purposes of this definition shall mean:

(a) Certain life insurance companies. In the case of a life insurance company subject to the tax imposed by section 802 of the Internal Revenue Code, life insurance company taxable income;

(b) Certain mutual insurance companies. In the case of a mutual insurance company subject to the tax imposed by section 821 (a) or (c) of the Internal Revenue Code, mutual insurance company taxable income or taxable investment income, as the case may be;

(c) Regulated investment companies. In the case of a regulated investment company subject to the tax imposed by section 852 of the Internal Revenue Code, investment company taxable income;

(d) Real estate investment trusts. In the case of a real estate investment trust subject to the tax imposed by section 857 of

the Internal Revenue Code, real estate investment trust taxable income;

(e) Cooperatives. In the case of cooperative corporation or association, the taxable income of such organization determined in accordance with the provisions of sections 1381 through 1388 of the Internal Revenue Code.

(3) Net operating loss means the loss that would result from the computation under subsection (1) without deducting the net operating loss deduction permitted by subdivision (c) of subsection (1), and without deducting the capital loss carry-over permitted by subdivision (d) of subsection (1). The net operating loss is first carried back to the earliest of the 3 years preceding the loss year and, if not entirely used up in offsetting taxable income in that year, the unused portion of the loss is first carried back to the second earliest year and the balance, if any, is carried back to the year next preceding the loss year. If the taxable income of the 3 preceding years is not sufficient to be offset by the loss, the unused portion of the loss is first carried over to the year next following the loss year, then successively to the next 4 years following the loss year or until the loss is used up, whichever first occurs, but in no case for more than 5 years after the loss year. A net operating loss shall not be allowed for taxable periods ending before January 1, 1974, and the loss shall not be applied to the income of any taxable periods ending before January 1, 1974.

If for the taxable year of a corporation, there is in effect an election under section 992(a) of the Internal Revenue Code or the corporation is treated as a domestic international sales corporation as defined in section 992(a)(3) of the Internal Revenue Code, the corporation shall be subject to the tax imposed by this title on its taxable income as defined in the Internal Revenue Code for such corporation subject to the adjustments contained in this section except:

(a) There shall be deducted from taxable income the amount of earnings and profits taxed to the shareholders for the taxable year under section 995 of the Internal Revenue Code which have not in fact been distributed to the shareholders.

(b) In case the corporation is a wholly owned subsidiary corporation of another corporation which is subject to the tax imposed by this title, the corporation shall not be treated as a taxable entity and the taxable income of the parent corporation shall be determined by combining the taxable income and apportionment factors of the wholly owned subsidiary corporation and the parent corporation as provided for in section 82A-34. The corporation shall be considered a wholly owned subsidiary if all of its outstanding shares, except director's qualifying shares, are owned by a single

corporation, either directly or indirectly through other corporations all of whose shares, except directors qualifying shares, are owned directly or indirectly by such corporation.

NEW SECTION. Sec. 82A-6. Taxable Income of Trusts or Estates. (1) "Taxable income" in the case of an estate or trust means federal taxable income as defined in the Internal Revenue Code subject to the following adjustments:

(a) Add gross interest income and dividends derived from obligations or securities of states other than Washington state in the same amount which has been excluded from federal taxable income less related expenses not deducted in computing federal taxable income because of section 265 of the Internal Revenue Code.

(b) Add taxes on or measured by income to the extent the taxes have been deducted except the tax imposed by RCW 82.04 (business and occupation tax) in arriving at federal taxable income.

(c) Add the amount of deduction taken pursuant to section 613(b)(1) of the Internal Revenue Code.

(d) Deduct, to the extent included in federal taxable income, income derived from obligations of the United States government which this state is prohibited by law from subjecting to a net income tax, reduced by any interest on indebtedness incurred in carrying the obligations, and by any expenses incurred in the production of such income to the extent that the expenses, including amortizable bond premiums, were deducted in arriving at federal taxable income.

(e) Add an amount equal to all amounts paid or accrued to the taxpayer as interest or dividends during the taxable year to the extent excluded from gross income in the computation of taxable income.

(f) Deduct any adjustment resulting from the allocation and apportionment provisions of subpart D.

(g) Any adjustments with respect to capital assets as provided in section 82A-11.

(2) The respective shares of an estate or trust and its beneficiaries, including, solely for the purpose of this allocation, nonresident beneficiaries, in the additions and subtractions to taxable income shall be in proportion to their respective shares of distributable net income of the estate or trust as defined in the Internal Revenue Code. If the estate or trust has no distributable net income for the taxable year, the share of each beneficiary in the additions and subtractions shall be in proportion to his share of the estate or trust income for the year, under local law or the terms of the instrument, which is required to be distributed currently and any other amounts of such income distributed in the year. Any balance of the additions and subtractions shall be allocated to the estate or trust.

(3) An addition or subtraction shall not be made under this section which has the effect of duplicating an item of income or deduction.

SUBPART C

IMPOSITION PROVISIONS

NEW SECTION. Sec. 82A-7. Tax Imposed-Persons Other Than Corporations And Financial Institutions. For receiving, earning or otherwise acquiring income from any source whatsoever after the effective date of this Title, there is levied and imposed a tax upon the taxable income of every person, other than a corporation or financial institution, computed in accordance with the following schedules:

Single Returns		Joint Returns	
Taxable Income	Marginal Tax Rate	Taxable Income	Marginal Tax Rate
Over	But Not	Over	But Not
	Over		Over
\$ 0 - \$ 2,000	2.0%	\$ 0 - \$ 4,000	2.0%
\$ 2,000 - \$ 3,000	2.5%	\$ 4,000 - \$ 6,000	2.5%
\$ 3,000 - \$ 4,000	3.0%	\$ 6,000 - \$ 8,000	3.0%
\$ 4,000 - \$ 6,000	3.5%	\$ 8,000 - \$12,000	3.5%
\$ 6,000 - \$ 8,000	4.0%	\$12,000 - \$16,000	4.0%
\$ 8,000 - \$10,000	4.5%	\$16,000 - \$20,000	4.5%
\$10,000 - \$15,000	5.0%	\$20,000 - \$30,000	5.0%
\$15,000 - \$20,000	5.5%	\$30,000 - \$40,000	5.5%
\$20,000 - \$25,000	6.0%	\$40,000 - \$50,000	6.0%
\$25,000 - Over	6.5%	\$50,000 - Over	6.5%

For purposes of this section, "marginal tax rate" shall mean the rate applicable to that portion of taxable income within each of the above rates. An individual who is not otherwise entitled to file a joint return, but who is a parent or step-parent who has supported a child or children who have or has been a member of his household during the taxable year, at his option, may elect to be taxed at the rates herein specified for a person filing a joint return.

On computing tax liability, an individual may average his income for the computation of his tax liability for any tax year subject to the conditions and as provided for in sections 1301 through 1305 of the Internal Revenue Code.

NEW SECTION. Sec. 82A-8. Tax Imposed-Corporations Other Than Financial Institutions. For receiving, earning or otherwise acquiring income from any source whatsoever after the effective date of this Title, there is levied and imposed a tax on every corporation other than a financial institution. The tax shall be the following

percentage of the corporation's taxable income, for each of the following taxable years:

Commencing January 1, 1974 -- Eight percent of taxable income.

Commencing January 1, 1976 -- Eight and one-half percent of taxable income.

Commencing January 1, 1977 -- Nine percent of taxable income.

Commencing January 1, 1978 -- Nine and one-half percent of taxable income.

Commencing January 1, 1979 -- Ten percent of taxable income.

NEW SECTION. Sec. 82A-9. Tax Imposed-Financial Institutions.

There is hereby imposed and levied a tax on financial institutions on the privilege of carrying on any business activity in this state, in addition to other taxes imposed by law, a tax measured by the taxable income of every financial institution as follows, for each of the following taxable years:

Commencing January 1, 1974 -- Eight percent of taxable income.

Commencing January 1, 1976 -- Eight and one-half percent of taxable income.

Commencing January 1, 1977 -- Nine percent of taxable income.

Commencing January 1, 1978 -- Nine and one-half percent of taxable income.

Commencing January 1, 1979 -- Ten percent of taxable income.

NEW SECTION. Sec. 82A-10. Corporate election under subchapter S.

(1) A corporation which has filed a proper election under subchapter S of the Internal Revenue Code shall be subject to the tax imposed on corporations by this Title in the same manner as though no such election had been made to the extent that its shares of stock are owned by nonresidents of this state.

(2) A resident stockholder of a subchapter S corporation shall include in his computation of taxable income any income or losses of the subchapter S corporation attributable to him in the computation of his federal income tax for the same tax year.

(3) A nonresident stockholder of a subchapter S corporation shall exclude any income or losses of a subchapter S corporation from taxable income for purposes of this Title.

SUBPART D

APPORTIONMENT AND ALLOCATION

PROVISIONS

NEW SECTION. Sec. 82A-11. Adjustments to Taxable Income--Allocation and Apportionment Rules.

(1) In General. (a) The taxable income of any taxpayer whose income producing activities are confined solely to this state shall be allocated to this state.

(b) Any taxpayer having business income which is taxable both

within and without this state, other than the rendering of personal services by a resident individual, shall apportion his income as provided in this Title.

(c) To the extent taxable income is subject to the allocation and apportionment provisions of this Title, only non-business income shall be allocated as provided in sections 82A-12 through 82A-15 and all business income shall be apportioned as provided in sections 82A-16 through 82A-30 of this Title.

(d) Any taxpayer whose taxable income for any tax year is increased or diminished by the sale or exchange of a capital asset after the effective date of this title which the taxpayer owned prior to the effective date of this title shall recompute taxable income for such tax year by excluding therefrom that proportion of the gain or loss on the sale or exchange of a capital asset attributable to the taxpayer's holding period of the capital asset occurring prior to the effective date of this title. The proportion of the gain or loss attributable to the taxpayer's holding period prior to the effective date of this title, at the election of the taxpayer, shall be either:

(i) The ratio that the holding period of the taxpayer expressed in months prior to the effective date of this title bears to the total holding period of the taxpayer expressed in months.

(ii) The difference between the fair market value of the capital asset on the effective date of this title and the amount of gain or loss taken into account in determining taxable income. The method of determining the fair market value of a capital asset on the effective date of this title for the purpose of this election shall be prescribed by the department.

(2) Taxable In Another State. For purposes of allocation and apportionment of income under this Title, a taxpayer is taxable in another state if that state has jurisdiction to subject the taxpayer to a net income tax whether or not the state has a net income tax.

(3) Resident Individuals, Estates or Trusts. In case of a resident individual, estate or trust all taxable income from any source whatsoever, except that attributable to another state under the apportionment provisions of subpart D and subject to the credit provisions of 82A-33, is allocated to this state.

(4) Nonresident Individuals, Estates or Trusts. In case of a nonresident individual, estate or trust all taxable income is allocated to this state to the extent it is earned, received or acquired:

(a) For the rendition of personal services performed in this state.

(b) As a distributive share of the net profits of an unincorporated business, profession, enterprise, undertaking or other activity as the result of work done, services rendered and other

business activities conducted in this state, except as allocated or apportioned to another state pursuant to the provisions of Subpart D and subject to the credit provisions of section 82A-33.

(5) Beneficiaries of Nonresident Estates or Trusts. (a) The respective shares of a nonresident estate or trust and its beneficiaries, including, solely for purposes of allocation, resident and nonresident beneficiaries, in the income attributable to Washington, shall be in proportion to their respective shares of distributable net income under the Internal Revenue Code. If the estate or trust has no distributable net income for the taxable year, the share of each beneficiary in the income attributable to Washington, shall be in proportion to his share of the estate or trust income for such year, under local law or the terms of the instrument, which is required to be distributed currently and other amounts of such income distributed in such year. Any balance of the income attributable to Washington shall be allocated to the estate or trust.

(b) A nonresident estate or trust shall be allowed the credit provided in section 82A-33 (2) except that the limitation shall be computed by reference to the taxable income of the estate or trust.

(6) Rents and royalties from real or tangible personal property, capital gains, interest, dividends or patent or copyright royalties, to the extent that they constitute nonbusiness income together with any item of deduction allocable thereto, shall be allocated as provided in sections 82A-12 through 82A-15.

(7) In the case of a corporation including a financial institution which is taxable in more than one state, all taxable income from whatever source derived shall be apportioned as provided in this Title and the specific allocation rules in sections 82A-12 through 82A-15 shall not apply.

(8) Allocation of Partnership Income by Partnerships and Partners Other Than Residents. (a) Allocation of partnership business income by partners other than residents. The respective shares of partners other than residents in so much of the business income of the partnership as is allocated or apportioned to this state in the hands of the partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for the partnership's taxable year and allocated to this state.

(b) Allocation of partnership nonbusiness income by partners other than residents. The respective shares of partners other than residents in the items of partnership income and deduction not taken into account in computing the business income of a partnership shall be taken into account by such partners pro rata in accordance with their respective distributive shares of such partnership income for

the partnership's taxable year, and allocated as if such items had been paid, incurred or accrued directly to such partners in their separate capacities.

(c) Allocation or apportionment of business income by partnership. Business income of a partnership shall be apportioned to this state as provided in subpart D.

(9) (a) A partnership shall not be subject to the income tax imposed by this Title. 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, except as otherwise provided in this Title.

(b) Character of Items. Each item of partnership income, gain, loss, or deduction shall have the same character for a partner under this Title as it has for federal income tax purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a partner as if realized directly for the source from which realized by the partnership or incurred in the same manner as incurred by the partnership.

(c) Tax Avoidance or Evasion. Where a partner's distributive share of an item of partnership income, gain, loss, or deduction is determined for federal income tax purposes by a special provision in the partnership agreement with respect to such item, and the principal purpose of such provision is the avoidance or evasion of tax under this Title, the partner's distributive share of such item and any modification required with respect thereto shall be determined in accordance with his distributive share of the taxable income or loss of the partnership generally (that is, exclusive of those items requiring separate computation under the provisions of section 702 of the Internal Revenue Code).

NEW SECTION. Sec. 82A-12. Specific Allocation of Income From Tangible Property. (1) Realty Located Within State. Net rents and royalties from real property located in this state are allocable to this state.

(2) Tangible Personal Property. Net rents and royalties from tangible personal property are allocable to this state:

(a) If and to the extent that the property is utilized in this state; or

(b) In their entirety if the taxpayer is a resident partnership, estate or trust or individual of this state or has a commercial domicile in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) Extent of Utilization of Tangible Personalty. The extent

of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

NEW SECTION. Sec. 82A-13. Specific Allocation of Income From Capital Gains and Losses.

(1) Capital gains and losses from sales or exchanges of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales or exchanges of tangible personal property are allocable to this state if:

(a) The property had a situs in this state at the time of the sale; or

(b) The taxpayer is a resident partnership, estate or trust or individual of this state or has a commercial domicile in this state and the taxpayer is not taxable in the state in which the property has a situs.

(3) Capital gains and losses from sales or exchanges of intangible personal property are allocable to this state if the taxpayer is a resident partnership, estate or trust or individual of this state.

NEW SECTION. Sec. 82A-14. Specific Allocation of Interest and Dividend Income. Interest and dividends are allocable to this state if the taxpayer is a resident partnership, estate or trust or individual of this state.

NEW SECTION. Sec. 82A-15. Specific Allocation of Income From Patents and Copyrights. (1) Patent and copyright royalties are allocable to this state:

(a) If and to the extent that the patent or copyright is utilized by the payer in this state; or

(b) If and to the extent that the patent or copyright is utilized by the payer in a state in which the taxpayer is not taxable and the taxpayer is a resident partnership, estate or trust or individual of this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting

procedures do not reflect states of utilization, the patent is utilized in this state if the taxpayer is a resident partnership, estate or trust or individual.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in this state if the taxpayer is a resident partnership, estate or trust or individual.

NEW SECTION. Sec. 82A-16. Apportionment of Business Income. All business income, other than income from transportation services, and financial organizations, shall be apportioned to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, excluding any negligible factor and the denominator of which is 3 reduced by the number of negligible factors. "Negligible factor" means a factor the denominator of which is less than 10% of 1/3 of the taxpayer's business income.

NEW SECTION. Sec. 82A-17. Property Factor. The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned and used or rented and used in this state during the tax period and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned and used or rented and used in all states in which the taxpayer is taxable for the tax year.

NEW SECTION. Sec. 82A-18. Valuation of Property; Rented Property. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals but not less than zero.

NEW SECTION. Sec. 82A-19. Average Value of Property. The average value of property shall be determined by averaging the values at the beginning and ending of the tax period but the director may require the averaging of monthly values during the tax period if reasonably required to reflect properly the average value of the taxpayer's property.

NEW SECTION. Sec. 82A-20. Payroll Factor. The payroll factor is a fraction, the numerator of which is the total amount paid in the state during the tax period by the taxpayer for compensation, and the denominator of which is the total compensation paid in all states in which the taxpayer is taxable for the tax year.

NEW SECTION. Sec. 82A-21. Compensation Paid Within State. Compensation is paid in this state if:

(1) The individual's service is performed entirely within the

state; or

(2) The individual's service is performed both within and without the state, but the service performed without the state is incidental to the individual's service within the state; or

(3) Some of the service is performed in the state and (a) the base of operations, or if there is no base of operations, the place from which the service is directed or controlled is in the state, or

(b) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

NEW SECTION. Sec. 82A-22. Sales Factor. The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the tax year and the denominator of which is the total sales of the taxpayer in all states in which the taxpayer is taxable for the tax year.

"Sales", as used in this section means all gross receipts from:

- (1) Sales of tangible personal property;
- (2) Rentals of tangible personal property;
- (3) Sales of real property held for sale in the ordinary course of a taxpayer's trade or business;
- (4) Rentals of real property; and
- (5) Sales of services.

NEW SECTION. Sec. 82A-23. Sales of Tangible Personalty, Real Property, Rentals and Services Within State. Sales of tangible personal property are in this state if:

(1) The property is delivered or shipped to a purchaser, other than the United States government, within this state regardless of the f.o.b. point or other conditions of the sale; or

(2) The property is shipped from an office, store, warehouse, factory or other place of storage in this state and (a) the purchaser is the United States government or (b) the taxpayer is not taxable in the state of the purchaser.

(3) The sale is made from an office located in this state to a purchaser (including the United States government) in another state in which the taxpayer is not taxable and the property is shipped to the purchaser from a state in which the taxpayer is not taxable.

(4) Sales and rentals of real property are in this state if the property is located in this state.

(5) Rentals of tangible personal property are in this state to the extent that the property is used in this state.

(6) Sales of services are in this state to the extent that the service is performed in this state.

NEW SECTION. Sec. 82A-24. Interstate Transportation

Services. The taxable income of a taxpayer whose income-producing activities consist of transportation services rendered partly within this state and partly within another state shall be determined under the provisions of sections 82A-25 through 82A-28.

NEW SECTION. Sec. 82A-25. Interstate Transportation Other Than Oil or Gas by Pipeline; Apportionment. In the case of such taxable income other than that derived from the transportation service of oil or gas by pipeline or air carriers, the taxable income attributable to Washington sources is that portion of the net income of the taxpayer derived from transportation services wherever performed that the revenue miles of the taxpayer in Washington bear to the revenue miles of the taxpayer in all the states in which the taxpayer is subject to tax on such services. A revenue mile means the transportation for a consideration or one net ton in weight or one passenger the distance of one mile. The taxable income attributable to Washington sources in the case of a taxpayer engaged in the transportation both of property and of individuals shall be that portion of the entire taxable income of the taxpayer which is equal to the average of his passenger miles and ton mile fractions, separately computed and individually weighted by the ratio of gross receipts from passenger transportation to total gross receipts from all transportation, and by the ratio of gross receipts from freight transportation to total gross receipts from all transportation, respectively. If it is shown to the satisfaction of the director that the foregoing information is not available or cannot be obtained without unreasonable expense to the taxpayer, the director may use such other data which may be available and which in the opinion of the director will result in an equitable apportionment of income to this state.

NEW SECTION. Sec. 82A-26. Interstate Transportation of Oil by Pipeline; Apportionment. In the case of taxable income derived from the transportation of oil by pipeline, that portion of the taxable income of the taxpayer derived from the pipeline transportation of oil that the barrel miles transported in Washington bear to the barrel miles transported by the taxpayer in all the states in which the taxpayer is subject to tax.

NEW SECTION. Sec. 82A-27. Interstate Transportation of Gas by Pipeline; Apportionment. In the case of taxable income derived from the transportation of gas by pipeline, taxable income attributable to Washington shall be that portion of the taxable income of the taxpayer derived from the pipeline transportation of gas that the thousand cubic feet miles transported in Washington bear to the thousand cubic feet miles transported by the taxpayer in all the states in which the taxpayer is subject to tax.

NEW SECTION. Sec. 82A-28. Air Carriers. In the case of

taxable income derived by a taxpayer as a carrier by aircraft, the portion of taxable income of such carrier attributable to Washington shall be the average of the following two percentages:

(1) The revenue tons handled by such air carrier at airports within this state for the tax year divided by the total revenue tons handled by such carrier at all airports on its entire system for the same tax year;

(2) The air carrier's originating revenue within this state for the tax year divided by the total originating revenue of such carrier from its entire system for the same tax year.

NEW SECTION. Sec. 82A-29. Financial Organizations: Income Attributable to Washington Sources. The taxable income of a financial organization attributable to Washington sources shall be taken to be:

(1) In the case of taxable income of a taxpayer whose income-producing activities are confined solely to this state, the entire taxable income of such taxpayer.

(2) In the case of taxable income of a taxpayer who conducts income-producing activities as a financial organization partially within and partially without this state, that portion of its taxable income as its gross business in this state is to its gross business in all the states in which the taxpayer is subject to tax during the tax year, which portion shall be determined as the sum of:

(a) Fees, commissions or other compensation for financial services rendered within this state;

(b) Gross profits from trading in stocks, bonds or other securities managed within this state;

(c) Interest and dividends received within this state;

(d) Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts; and

(e) Any other gross income resulting from the operation as a financial organization within this state, divided by the aggregate amount of such items of the taxpayer everywhere.

NEW SECTION. Sec. 82A-30. Exceptions. If the apportionment provisions of this Title do not fairly represent the extent of the taxpayer's income attributable to this state, the taxpayer may petition for or the director may require, if reasonable:

(1) When the taxpayer carries on two or more businesses, a separate apportionment for each business;

(2) The exclusion of any one or more of the factors;

(3) The inclusion of one or more additional factors or the substitution of one or more factors; or

(4) The employment of any other method to effectuate an

equitable apportionment of the taxpayer's income.

SUBPART E

CREDITS AND EXEMPTIONS FROM TAX

NEW SECTION. Sec. 82A-31. Exemptions. (1) A person who is exempt from federal income tax pursuant to the provisions of the Internal Revenue Code shall be exempt from the tax imposed by this Title except:

(a) An organization included under sections 501(c) (12) and 501 (c) (16) of the Internal Revenue Code.

(b) The unrelated taxable business income of an exempt person as determined under the provisions of the Internal Revenue Code.

(2) This Title shall not apply to a regulated investment company or real estate investment trust as defined in the Internal Revenue Code, except to the extent that such company or trust has taxable income for federal tax purposes.

(3) Nothing in this section shall exempt any person from the withholding and information return provisions of this Title.

NEW SECTION. Sec. 82A-32. Dual Residence; Reduction of Tax. If an individual taxpayer is regarded as a resident both of this state and another jurisdiction for purposes of the tax imposed by this Title, the director shall reduce the tax on that portion of the taxpayer's income which is subjected to tax in both jurisdictions solely by virtue of dual residence, provided that the other taxing jurisdiction allows a similar reduction. The reduction shall be in an amount equal to that portion of the lower of the two taxes applicable to the income taxed twice which the tax imposed by this state bears to the combined of the two jurisdictions on the income taxed twice.

NEW SECTION. Sec. 82A-33. (1) Credit-Individual, Estate or Trust. A resident individual, estate or trust, in the state of Washington shall be allowed a credit against the taxes imposed by this Title 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 Title, subject to the following conditions:

(a) 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.

(b) The amount of such tax credit shall be the smaller of the following two amounts:

(i) the amount of tax actually paid; or

(ii) the product of the Washington tax times a fraction, the numerator of which is that portion of the taxpayer's adjusted gross income actually taxed by such other state or country, and the denominator of which is the taxpayer's adjusted gross income as

modified by the provisions of section 82A-4.

(c) If, in lieu of a credit, the laws of the state of residence contain a provision exempting a resident of this state from liability for the payment of income taxes on income earned for personal services performed in that state, then the director is authorized to enter into a reciprocal agreement with that state providing a similar tax exemption for its residents on income earned for personal services performed in this state.

(2) Credit-Nonresident Individual, Estate or Trust. (a) A nonresident individual, estate or trust shall be allowed a credit against but not in excess of the tax otherwise due under this Title for the amount of any income tax imposed on him for the taxable year by the state of residence on income from sources therein which is also subject to tax under this Title.

(b) The credit allowed by this subsection shall be allowable only if the laws of the state of residence contain a reciprocal provision which allows credits to residents of this state under similar circumstances.

(3) No credit shall be allowed for any income tax paid to another state or on any income which has not been included in taxable income under this Title for the same tax year and in fact subject to an income tax by this state and by another state.

NEW SECTION. Sec. 82A-33(a). 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 Title, 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 section may not exceed for any taxable year one hundred percent of the credit allowable under RCW 82.04.435 for such taxable year.

SUBPART F

ACCOUNTING PROVISIONS

NEW SECTION. Sec. 82A-34. Combined Reporting; Administrative Adjustments. (1) In the case of a corporation liable to report under this Title owning or controlling, either directly or indirectly, another corporation, or other corporations, except foreign corporations and in the case of a corporation liable to report under this Title and owned or controlled, either directly or indirectly, by another corporation, except foreign corporations the department may require a report showing the combined taxable income and apportionment factors of the controlled group except foreign corporations and other facts as it deems necessary. The department is authorized and empowered, in such manner as it may determine, to assess the tax against the corporations which are liable to report under this Title and whose taxable income is involved in the report

upon the basis of the combined entire taxable income and apportionment factors of the controlled group except foreign corporations and other information as it may possess; or it may adjust the tax in such other information as it shall determine to be equitable if it determines such adjustment to be necessary in order to prevent evasion of taxes or to clearly reflect the taxable income earned by said corporations from business done in this state. Direct or indirect ownership or control of more than fifty percent of the voting stock of a corporation shall constitute ownership or control for purposes of this section.

(2) In the case of a corporation subject to the tax imposed under this Title which computes its federal taxable income, as a common parent or as an affiliate, on a consolidated basis with one or more other corporations, the department may require a separate return computing taxable income as if separate returns had been filed for federal income tax returns and restoring intercompany transactions eliminated for purposes of computing federal taxable income.

(3) In the case of two or more organizations, trades, or businesses (whether or not incorporated, whether or not organized in or having income from sources apportionable to this state, and whether or not affiliated) owned or controlled directly or indirectly by the same interests, the department may distribute, apportion or allocate income, deductions, credits or allowances between or among such organizations, trades, or businesses, if it determines that such distribution, apportionment, or allocation is necessary in order to prevent evasion of taxes or to clearly reflect the income of any of such organizations, trades, or businesses.

NEW SECTION. Sec. 82A-35. Method of Accounting. (1) For purposes of the tax imposed under this Title, a person's method of accounting shall be the same method of accounting for federal income tax purposes. If no method of accounting has been regularly used by a person for federal income tax purposes, taxable income under this Title shall be computed by a method of accounting which in the opinion of the department fairly reflects income.

(2) If a person's method of accounting is changed for federal income tax purposes, for purposes of this Title it shall be similarly changed.

(3) It is the intent of this Title that taxable income as defined in this Title for the subject taxpayer be ascertained and returned as provided herein on the same accounting method or methods used by the taxpayer in computing his federal income tax liability.

NEW SECTION. Sec. 82A-36. Tax Returns for Partial Year. In the event that the first taxable year of any taxpayer with respect to which a tax is imposed by this Title ends prior to December 31st of the calendar year in which this Title becomes effective (hereinafter

referred to as a fractional taxable year), the taxable income for such fractional taxable year shall be the taxpayer's taxable income, computed in accordance with the otherwise applicable provisions of this Title, for the entire taxable year, adjusted as follows:

(1) Such taxable income shall be multiplied by a fraction, the numerator of which is the number of days in the fractional taxable year and the denominator of which is the number of days in the entire taxable year; or

(2) If the taxpayer so elects, such taxable income shall be adjusted, in accordance with rules of the department, so as to include only such income and be reduced only by such deductions as are attributable to such fractional taxable year, as can be clearly determined from the permanent records of the taxpayer.

SUBPART G

ADMINISTRATIVE PROVISIONS

NEW SECTION. Sec. 82A-37. Joint Return--Federal Election. 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. 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 Title. In any case in which a joint return is filed pursuant to this section, the liability of the husband and wife shall be joint and several.

NEW SECTION. Sec. 82A-38. Records; Returns. (1) Every person liable for the tax imposed under this Title, or for the collection thereof shall

(a) keep such records, render such statements, make such returns, and comply with such rules and regulations as the department may from time to time prescribe (and, whenever in the judgment of the department it is necessary, it may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the department deems sufficient to show whether or not such person is liable for tax under this Title), and

(b) include in any return, declaration, statement or other document required to be filed or furnished to the department, such identifying number as may be prescribed by the department for securing proper identification of such person or of any other person with respect to whom such return, declaration, statement or other document may apply.

(2) All books and records and other papers and documents which are required by or pursuant to this Title to be kept shall, at all times during business hours of the day, be subject to inspection by the department.

(3) Every person subject to this Title required to make a

return or declaration relating to the federal income tax under the provisions of the Internal Revenue Code shall, unless exempted by the department by notice or regulation, at the same time (including any extensions of time granted by the internal revenue service or allowed by the Internal Revenue Code) render to the department a return or declaration setting forth the following:

(a) The amount of tax due, if any, or overpayment of tax, if any, as reported on returns, including declarations of estimated tax, filed with the internal revenue service;

(b) The amount of tax due under this Title, if any, less credits claimed against tax;

(c) Such other information for the purpose of carrying out the provisions of this Title as may be prescribed by the department.

(4) All of the provisions of the Internal Revenue Code relating to the manner in which returns shall be signed, the verification of returns, presumption of authenticity of signatures, the time when a return is deemed filed, the power of the secretary or his delegate to prepare and execute returns and the power of the secretary or his delegate to prescribe forms shall apply to the taxes imposed under this Title. The department shall, by regulations, prescribe the place for the filing of any return, declaration, statement or other document or copies thereof, required by this Title or by regulations.

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. 82A-39. Federal Return: Copy. Any taxpayer, may be required by the department to furnish to the department a true and correct copy of any federal tax return which he has filed and any report or other document filed with the internal revenue service or received from the internal revenue service relating to the computation of or adjustment to the taxpayer's federal income tax liability.

NEW SECTION. Sec. 82A-40. Time and Manner of Payment. The time and manner of the payment of the tax imposed by this Title shall be in accordance with the provisions of the Internal Revenue Code (including the provisions relating to 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. All of the provisions of the Internal Revenue Code relating to the assessment of income tax (including the authority to assess and

the mode, time and method of assessment), jeopardy assessments, notices and demand for payment and extensions of time for payment shall apply to the tax imposed by this Title.

NEW SECTION. Sec. 82A-41. Administration; Overpayments; Credit or Refund; Deficiencies; Penalties; Liens. (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 the Internal Revenue Code applicable to overpayments, including the authority to make credits or refunds, the definition thereof, overpayments of installments, abatement authority, date of allowance, tentative carryback adjustments, refunds of withheld tax, and limitations on refunds or credits or suits therefor, all of which shall apply to the tax imposed by this Title.

(2) All the provisions of the Internal Revenue Code relating to liens for income taxes, including periods of lien, validity and priority against certain persons, release of lien and discharge of property, and all the provisions of the Internal Revenue Code relating to seizure of property for collection of income taxes, including those relating to levy and distraint, surrender of property subject to levy, production of books, property exempt from levy, sale of seized property, sale of perishable goods, redemption of property, legal effect of certificate of sale of personal property and deed of real property, records of sale, expense of levy and sale, application of proceeds of levy, and authority to release levy and return property, shall apply to the taxes imposed under this Title.

(3) Those additions to the tax, additional amounts, and assessable penalties imposed under the provisions of the Internal Revenue Code for failure to file a tax return or to pay the tax (other than the fifty percent addition to tax for fraudulent failure to pay the tax and the five percent addition to the tax for negligent underpayments), failure to pay estimated income tax, and failure to make deposit of taxes, shall be imposed with respect to the tax imposed under this Title, at the same rates and computed in the same manner, and with the same exceptions, as are set forth in the Internal Revenue Code.

(4) The powers conferred and duties imposed upon the department and the state treasurer with respect to the administration of chapter 82.04 RCW by RCW 82.32.110, 82.32.120, 82.32.130, 82.32.320, 82.32.340, and 82.32.380 shall be applicable to the

administration of the taxes imposed pursuant to this Title.

(5) The department shall, by regulation, establish procedures for administrative conferences with respect to proposed assessments of deficiencies and applications for refunds or credits, which regulations shall conform, so far as practicable, with the provisions of RCW 82.32.160 and 82.32.170.

NEW SECTION. Sec. 82A-42. Period of Limitations. The same period of limitation upon the assessment and collection of taxes imposed under this Title and the same exceptions thereto and suspensions thereof shall apply as are provided in the Internal Revenue Code relating to the federal income tax: PROVIDED, HOWEVER, That if a taxpayer fails to report pursuant to section 82A-39 of this Title, a change or correction increasing his federal taxable income, or fails to report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, an assessment may be made at any time within one year of the date on which the department first learned of the correction: AND PROVIDED FURTHER, That the running of the statute of limitations shall be suspended for the period pending final determination of litigation of or hearing on a taxpayer's federal income tax return and for sixty days thereafter: AND PROVIDED FURTHER, That in the event a report of change or correction increasing federal taxable income is made, the running of the statute of limitations shall be suspended for a period of one year after such report is made.

NEW SECTION. Sec. 82A-43. Evasion Penalty. Any person required to collect, truthfully account for, and pay over any tax imposed by this Title who wilfully fails to collect such tax, or truthfully account for and pay over such tax, or wilfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over.

NEW SECTION. Sec. 82A-44. Interest on Refund and Deficiencies. Interest on underpayments and erroneous refunds shall be paid by the taxpayer, and on overpayments shall be paid by the department, at the rate of six percent per annum, computed in the manner and in accordance with the provisions of the Internal Revenue Code relating thereto.

NEW SECTION. Sec. 82A-45. Transferee Liability. The provisions of the Internal Revenue Code relating to the liability of transferees of property and of fiduciaries, including those relating to the imposition of liability, the method of collection and the period of limitation, shall apply to the taxes imposed under this Title.

NEW SECTION. Sec. 82A-46. Employer Withholding Requirements.

(1) Every employer making a payment of wages or salaries earned in this state shall deduct and withhold a tax in such amount as shall be prescribed in tables promulgated by the department to reasonably reflect the tax liability of the employee under this Title, 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 at such times and in such manner as are prescribed by regulations to be prescribed by the department, which regulations insofar as practicable shall be in conformity with the provisions of the Internal Revenue Code and regulations adopted thereunder.

(2) If the employee is a resident of this state and earns income from personal services entirely performed in another state which imposes an income tax on such income and the employer is required by the laws of the state in which such income is earned to withhold state income taxes for such state and does in fact do so, the employer shall not be required to withhold any tax imposed by this Title on such income (provided the laws of the state in which such income is earned allows a similar exemption for its residents who earn such income in this state).

NEW SECTION. Sec. 82A-47. Liability of Employer for Tax Withheld. Every employer or any other person required under any provisions of the Internal Revenue Code to deduct and withhold taxes from wages or salaries 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 82A-46 of this Title and shall not be liable to any individual for the amount of any such payment. Whenever any person is required to collect or withhold the tax imposed under this Title from any other person and to pay over such tax to the department, the amount of tax so collected or withheld shall be held to be a special fund in trust for this state.

NEW SECTION. Sec. 82A-48. Withholding by Governmental Entity. 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 and salaries or appropriately designated for that purpose.

NEW SECTION. Sec. 82A-49. Credit for Tax Withheld: How Claimed. The amount so deducted and withheld as tax under sections

82A-46 through 82A-48 of this Title during any taxable year shall be allowed as a credit against the tax imposed for such taxable year by this Title. 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 Title 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. 82A-50. Closing Agreements and Compromises. The provisions of the Internal Revenue Code relating to closing agreements and compromises shall apply to the taxes imposed under this Title.

NEW SECTION. Sec. 82A-51. Service of Process. (1) Any person who incurs tax liability under this Title, and who removes from this state or conceals his whereabouts, shall be deemed thereby to appoint the secretary of state of this state his agent for service of process or notice in any judicial or administrative proceeding under this Title. Such process or notice shall be served by the department on the secretary of state by leaving, at the office of the secretary of state, at least fifteen days before the return day of such process or notice, a true and certified copy thereof, and by sending to the person by registered or certified mail, a like and true certified copy with an endorsement thereon of the service upon said secretary of state, addressed to such person at his last known address.

(2) Service of process or notice in the manner and under the circumstances provided in this section, shall be of the same force and validity as if served upon the person personally within this state. Proof of such service may be made in such judicial or administrative proceeding by the affidavit of the authorized agent of the department who made such service, with a copy of the process or notice that was so served attached to such affidavit.

NEW SECTION. Sec. 82A-52. Deficiency Procedures. All of the provisions of the Internal Revenue Code relating to income tax deficiency procedures, including the provisions thereof relating to notice of deficiency, tax court jurisdiction to review deficiencies, and procedures for invoking such jurisdiction shall apply to the tax imposed under this Title.

NEW SECTION. Sec. 82A-53. Board of Tax Appeals Jurisdiction.

Jurisdiction is hereby conferred on the state board of tax appeals to review income tax deficiencies. In all cases in which the board has jurisdiction under this section:

(1) The taxpayer or the department may elect either a formal or informal hearing, such election to be made according to rules of practice and procedure to be promulgated by the board; and

(2) The provisions of RCW 82.03.100 through 82.03.120 and RCW 82.03.150 through 82.03.170 shall be applicable with respect to hearings and decisions.

NEW SECTION. Sec. 82A-54. Judicial Review on Appeal From Board. Within thirty days after the final decision of the board in a case in which it has jurisdiction and in which a formal hearing has been elected, the taxpayer or the department may appeal to the court of appeals. Such appeal shall be perfected by filing with the clerk of the court of appeals a petition for review and by serving a copy thereof by mail or personally on the opposing party. The petitioner shall pay the costs of preparing the record of the hearing, and thereafter the board shall file with the clerk of the court the original or a certified copy of the entire record of the proceeding under review. The provisions of RCW 34.04.130 (6) shall be applicable to such review, and a bond shall be required for such review if requested by the department. The appropriate division of the court of appeals in which the petition for review is to be filed shall be, at the option of the petitioner, either division II or that division containing the district in which there is located the petitioner's residence or principal place of business. The method of judicial review of the Board of Tax Appeals decision provided for herein shall be exclusive: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent an appeal from the court of appeals to the state supreme court in the same manner as in other civil cases: AND PROVIDED FURTHER, That nothing herein shall be construed to allow judicial review of a final decision of the board in which a formal hearing has not been elected.

NEW SECTION. Sec. 82A-55. Rules and Regulations. The department shall have the power to make and publish rules and regulations in accordance with chapter 34.04 RCW for the administration and enforcement of this Title, not inconsistent with the provisions of this Title. The rules insofar as possible without being inconsistent with the provisions of this Title, shall follow the rulings of the United States internal revenue service with respect to the federal income tax, and the department may adopt as a part of such rules any portions of the Internal Revenue Code or rulings, in whole or in part.

NEW SECTION. Sec. 82A-56. Judicial Review of Claim for Refund. Any person having filed a claim for refund or credit of any

tax, penalty, or other sum collected pursuant to this Title may, within the applicable period of limitation provided for in section 82A-41 of this Title, sue for a refund or credit of such tax, penalty or other sum in the superior court of Thurston county. All procedures and rights of appeal governing other civil actions shall be applicable to such proceedings. The provisions of this section shall not apply to any tax payment which has been the subject of an appeal to the state board of tax appeals with respect to which appeal a formal hearing has been held.

NEW SECTION. Sec. 82A-57. Confidential Nature of Tax Information. 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 or agency 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 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 (5) 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; or (6) giving any such facts or information to the Multistate Tax Commission or any authorized representative thereof for any official purposes of the Multistate Tax Commission including the conducting of audits on behalf of this state or any other state.

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 subsections (4), (5) and (6) 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. 82A-58. Tax Compact. To the extent that Article IV of chapter 82.56 RCW (Multistate Tax Compact) is in conflict with the allocation and apportion rules contained herein such Article is hereby superseded.

NEW SECTION. Sec. 59. An aggregate amount equal to no less than four percent of the collections of the state imposed net income tax (said collections to be computed on the basis of the rates, individual and corporate, contained in the act initially adopting a net income tax) shall be placed in a special account in the state general fund to be used exclusively for distribution, as provided by law to municipal corporations other than school districts.

NEW SECTION. Sec. 60. Effective Date. The provisions of this 1973 amendatory act shall take effect on January 1, 1974 if the proposed amendment to Article 7 of the state Constitution authorizing the legislature to impose a tax upon net income and to authorize property tax relief is validly submitted and is approved and ratified by the voters at a general election held in November, 1973. If such proposed amendment is not so submitted and approved and ratified, this 1973 amendatory act shall be null and void in its entirety.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 142

[Engrossed Substitute Senate Bill No. 2336]

MENTALLY DISORDERED PERSONS--

COMMITMENT PROCEDURES

AN ACT Relating to mental illness; creating a new chapter in Title 71 RCW; amending section 71.12.560, chapter 25, Laws of 1959 and RCW 71.12.560; amending section 71.12.570, chapter 25, Laws of 1959 and RCW 71.12.570; amending section 72.23.010, chapter 28, Laws of 1959 and RCW 72.23.010; amending section 72.23.070, chapter 28, Laws of 1959 as amended by section 50, chapter 292, Laws of 1971 ex. sess and RCW 72.23.070; amending section 72.23.100, chapter 28, Laws of 1959 and RCW 72.23.100; adding a new chapter to Title 71 RCW; repealing section 71.02.010, chapter 25, Laws of 1959 and RCW 71.02.010; repealing section 71.02.020, chapter 25, Laws of 1959 and RCW

71.02.020; repealing section 71.02.090, chapter 25, Laws of 1959 and RCW 71.02.090; repealing section 71.02.100, chapter 25, Laws of 1959 and RCW 71.02.100; repealing section 71.02.110, chapter 25, Laws of 1959 and RCW 71.02.110; repealing section 71.02.120, chapter 25, Laws of 1959, section 9, chapter 196, Laws of 1959 and RCW 71.02.120; repealing section 71.02.130, chapter 25, Laws of 1959, section 10, chapter 196, Laws of 1959 and RCW 71.02.130; repealing section 71.02.140, chapter 25, Laws of 1959 and RCW 71.02.140; repealing section 71.02.150, chapter 25, Laws of 1959 and RCW 71.02.150; repealing section 71.02.160, chapter 25, Laws of 1959 and RCW 71.02.160; repealing section 71.02.170, chapter 25, Laws of 1959 and RCW 71.02.170; repealing section 71.02.180, chapter 25, Laws of 1959 and RCW 71.02.180; repealing section 71.02.190, chapter 25, Laws of 1959 and RCW 71.02.190; repealing section 71.02.200, chapter 25, Laws of 1959 and RCW 71.02.200; repealing section 71.02.210, chapter 25, Laws of 1959 and RCW 71.02.210; repealing section 71.02.220, chapter 25, Laws of 1959 and RCW 71.02.220; repealing section 71.02.230, chapter 25, Laws of 1959, section 3, chapter 127, Laws of 1967 ex. sess., section 63, chapter 292, Laws of 1971 ex. sess. and RCW 71.02.230; repealing section 71.02.240, chapter 25, Laws of 1959 and RCW 71.02.240; repealing section 71.02.250, chapter 25, Laws of 1959, section 1, chapter 51, Laws of 1959 and RCW 71.02.250; repealing section 2, chapter 51, Laws of 1959 and RCW 71.02.255; repealing section 71.02.260, chapter 25, Laws of 1959 and RCW 71.02.260; repealing section 71.02.270, chapter 25, Laws of 1959 and RCW 71.02.270; repealing section 71.02.280, chapter 25, Laws of 1959 and RCW 71.02.280; repealing section 71.02.290, chapter 25, Laws of 1959 and RCW 71.02.290; repealing section 71.02.300, chapter 25, Laws of 1959 and RCW 71.02.300; repealing section 71.02.450, chapter 25, Laws of 1959, section 1, chapter 24, Laws of 1967 and RCW 71.02.450; repealing section 71.02.650, chapter 25, Laws of 1959 and RCW 71.02.650; repealing section 2, chapter 196, Laws of 1959 and RCW 71.03.010; repealing section 4, chapter 196, Laws of 1959 and RCW 71.03.020; repealing section 5, chapter 196, Laws of 1959 and RCW 71.03.030; repealing section 6, chapter 196, Laws of 1959 and RCW 71.03.040; repealing section 7, chapter 196, Laws of 1959 and RCW 71.03.050; repealing section 8, chapter 196, Laws of 1959 and RCW 71.03.060; repealing section 3, chapter 196, Laws of 1959 and RCW 71.03.900; repealing section 71.12.580, chapter 25, Laws of 1959 and RCW 71.12.580; repealing section 1, chapter 145, Laws of 1959 and RCW

72.01.390; repealing section 2, chapter 145, Laws of 1959 and RCW 72.01.400; repealing section 72.08.110, chapter 28, Laws of 1959 and RCW 72.08.110; repealing section 72.23.090, chapter 28, Laws of 1959, section 51, chapter 292, Laws of 1971 ex. sess. and RCW 72.23.090; repealing section 72.23.140, chapter 28, Laws of 1959 and RCW 72.23.140; repealing section 72.23.150, chapter 28, Laws of 1959 and RCW 72.23.150; repealing section 72.23.220, chapter 28, Laws of 1959 and RCW 72.23.220; repealing section 72.23.270, chapter 28, Laws of 1959 and RCW 72.23.270; repealing section 72.25.040, chapter 28, Laws of 1959, section 4, chapter 78, Laws of 1965 and RCW 72.25.040; prescribing penalties; and declaring an effective date.

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

Section 1. Section 71.12.560, chapter 25, Laws of 1959 and RCW 71.12.560 are each amended to read as follows:

The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive ((and detain)) therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application. Upon the admission of a voluntary patient to a private institution, hospital, or sanitarium, the person in charge shall immediately forward to the office of the department of social and health services a record of the voluntary patient showing the name, residence, age, sex, place of birth, occupation, marital status, date of admission to the institution, hospital, or sanitarium, and such other information as may be required by rule of the department of social and health services. ((No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than ten days after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium.))

Sec. 2. Section 71.12.570, chapter 25, Laws of 1959 and RCW 71.12.570 are each amended to read as follows:

No person in an establishment as defined in this chapter shall be restrained from sending written communications of the fact of his detention in such establishment to a friend, relative, or other person. The physician in charge of such person and the person in charge of such establishment shall send each such communication to the person to whom it is addressed. ((if, however, the person in

charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to the person detained; or if the physician finds it impossible to send any such communication within twenty-four hours; then both the physician in charge of the patient and the person in charge of the establishment shall give notice of the detention of such patient to the prosecuting attorney of the county from which the patient came at the time of admission and the prosecuting attorney of the county in which the establishment is located; and the person to whom such communication was addressed; and to the department of health; giving the name and address of the patient and the names and addresses of the person or persons who arranged for his admission and stating the facts of the attempted communication and the reason for withholding it. Such prosecuting attorney or prosecuting attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full concerning said patient to the department of health. The person in charge of the establishment may detain a patient only when there has been compliance with the provisions of this section.) All persons in an establishment as defined by chapter 71.12 RCW shall have no less than all rights secured to involuntarily detained persons by sections 41 and 42 of this 1973 amendatory act and to voluntarily admitted or committed persons pursuant to sections 10 and 43 of this 1973 amendatory act.

Sec. 3. Section 72.23.010, chapter 28, Laws of 1959 and RCW 72.23.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Mentally ill person" shall mean any person ((found to be suffering from psychosis or other disease impairing his mental health; and the symptoms of such disease are of a suicidal, homicidal; or incendiary nature; or of such nature which would render such person dangerous to his own life or to the lives or property of others)) who, pursuant to the definitions contained in section 7 of this 1973 amendatory act, as a result of a mental disorder presents a likelihood of serious harm to others or himself or is gravely disabled.

"Patient" shall mean a person under observation, care or treatment in a state hospital, or a person found mentally ill by the court, and not discharged from a state hospital, or other facility, to which such person had been ordered hospitalized.

"Licensed physician" shall mean an individual licensed as a physician under the laws of the state, or a medical officer, similarly qualified, of the government of the United States while in this state in performance of his official duties.

"State hospital" shall mean any hospital operated and maintained by the state of Washington for the care of the mentally ill.

"Superintendent" shall mean the superintendent of a state hospital.

"Court" shall mean the superior court of the state of Washington.

"Resident" shall mean a resident of the state of Washington ((who has maintained his domiciliary residence within this state for a period of two years immediately preceding commitment)).

Wherever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

Sec. 4. Section 72.23.070, chapter 28, Laws of 1959 as amended by section 50, chapter 292, Laws of 1971 ex. sess. and RCW 72.23.070 are each amended to read as follows:

Pursuant to rules and regulations established by the department, ((the superintendent of)) a state hospital may receive ((and detain)) any person who is((; in his opinion)) a suitable person for care and treatment as mentally ill, or for observation as to the existence of mental illness, upon the receipt of a written application of the person, or others on his behalf, in accordance with the following requirements:

(1) In the case of a person eighteen years of age or over, the application shall be voluntarily made by the person, at a time when he is in such condition of mind as to render him aware of the significance of his act;

(2) In the case of a person under eighteen years of age, the application shall be made by his parents, or by the parent, conservator, guardian, or other person entitled to his custody. A person under eighteen years of age received into a state hospital as a voluntary patient shall not be retained after he reaches eighteen years of age, but such person, upon reaching eighteen years of age, may apply for admission into a state hospital as a voluntary patient:

(3) In the case of a person eighteen years of age or over for whom a conservator or guardian of the person has been appointed, such application shall be made by said conservator or guardian, when so authorized by proper court order in the conservatorship or guardianship proceedings.

Sec. 5. Section 72.23.100, chapter 28, Laws of 1959 and RCW 72.23.100 are each amended to read as follows:

It shall be the policy of the department to permit liberal use of the foregoing sections for the admission of those cases that can be benefited by treatment and returned to normal life and mental condition, in the opinion of the superintendent, within a period of six months. No person shall be carried as a voluntary patient for a

period of more than one year. ((No person shall be admitted as a voluntary patient who has not been a resident of the state of Washington for a period of two years immediately preceding application for admission.))

NEW SECTION. Sec. 6. LEGISLATIVE INTENT. The provisions of this chapter are intended by the legislature:

(1) To end inappropriate, indefinite commitment of mentally disordered persons and to eliminate legal disabilities that arise from such commitment;

(2) To provide prompt evaluation and short term treatment of persons with serious mental disorders;

(3) To safeguard individual rights;

(4) To provide continuity of care for persons with serious mental disorders;

(5) To encourage the full use of all existing agencies, professional personnel, and public funds to prevent duplication of services and unnecessary expenditures;

(6) To encourage, whenever appropriate, that services be provided within the community.

NEW SECTION. Sec. 7. DEFINITIONS. For the purposes of this chapter:

(1) "Gravely disabled" means a condition in which a person, as a result of a mental disorder is in danger of serious physical harm resulting from a failure to provide for his essential human needs;

(2) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on an individual's cognitive or volitional functions;

(3) "Likelihood of serious harm" means either (a) a substantial risk that physical harm will be inflicted by an individual upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on one's self, or (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm;

(4) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(5) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(6) "Public agency" means any evaluation and treatment facility of, or operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(7) "Private agency" means any person, partnership,

corporation, or association not defined as a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility;

(8) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(9) "Department" means the department of social and health services of the state of Washington;

(10) "Secretary" means the secretary of the department of social and health services, or his designee;

(11) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(12) "Professional person" shall mean a mental health professional, as above defined, and shall also mean a physician, registered nurse, and such others as may be defined by rules and regulations adopted by the secretary pursuant to the provisions of this chapter;

(13) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association;

(14) "Psychologist" means a person with an earned graduate degree in psychology or a graduate degree deemed its equivalent under rules and regulations adopted by the secretary or who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(15) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and short term inpatient care to persons suffering from a mental disorder, and which is certified as such by the department of social and health services: PROVIDED, That a physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility: PROVIDED FURTHER, That a facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification: AND PROVIDED FURTHER, That no correctional institution or facility, or jail, shall be an evaluation

and treatment facility within the meaning of this chapter.

NEW SECTION. Sec. 8. COMMITMENT LAW APPLICABLE. (1) Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.76 RCW or its successor, chapter 71.06 RCW, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing. Persons impaired by chronic alcoholism or drug abuse may receive services pursuant to this chapter if they so elect.

(2) No person under the age of eighteen years shall be involuntarily provided with, detained, certified, or committed for evaluation or treatment pursuant to the provisions of this chapter unless written authorization has been obtained from such person's parent, parents, conservator, or legal guardian, or pursuant to proceedings of the juvenile court under chapter 13.04 RCW.

NEW SECTION. Sec. 9. NO JUDICIAL COMMITMENT--EPILEPTIC --MENTALLY DEFICIENT OR RETARDED--SENILE. Persons who are epileptics, mentally deficient, mentally retarded, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or constitutes a likelihood of serious harm to others.

NEW SECTION. Sec. 10. VOLUNTARY APPLICATION FOR MENTAL HEALTH SERVICES. Nothing in this chapter shall be construed to limit the right of any person to apply voluntarily to any public or private agency or practitioner for treatment of a mental disorder, either by direct application or by referral. Any person voluntarily admitted for inpatient treatment to any public or private agency shall be released immediately upon his request. Any person voluntarily admitted for inpatient treatment to any public or private agency shall, orally and in writing, be advised of such right to release and such other rights as are secured to them pursuant to this chapter and their rights of access to attorneys, courts, and other legal redress. Their condition and status shall be reviewed at least once each one hundred eighty days for evaluation as to the need for further treatment and/or possible release, at which time they shall again be advised of their right to release upon request.

NEW SECTION. Sec. 11. RIGHTS OF PERSONS COMPLAINED AGAINST. A person subject to confinement resulting from any petition or proceeding pursuant to the provisions of this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter.

NEW SECTION. Sec. 12. PRAYER TREATMENT. The provisions of

this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

NEW SECTION. Sec. 13. EFFECT ON PENDING PROCEEDINGS AND ON PERSONS PREVIOUSLY COMMITTED. Except as herein provided, the provisions of this chapter shall not in themselves impair any action taken in any proceeding pending under statutes in effect prior to the effective date of this 1973 amendatory act, nor shall they apply retroactively to terminate the detention of any person previously committed pursuant to statutes in effect prior to the effective date of this 1973 amendatory act. One hundred twenty days after the effective date of this 1973 amendatory act, the provisions of section 37(2) of this 1973 amendatory act shall apply to all persons previously committed pursuant to chapter 71.02 RCW.

NEW SECTION. Sec. 14. CHOICE OF PHYSICIANS. Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of physician or other professional person providing such services.

NEW SECTION. Sec. 15. FINANCIAL RESPONSIBILITY. In addition to the responsibility provided for by RCW 71.02.411, any person, or his estate, or his spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter for the purpose of treatment and evaluation outside of a facility maintained and operated by the department of social and health services shall be responsible for the cost of such care and treatment. In the event that an individual is unable to pay for such treatment or in the event payment would result in a substantial hardship upon the individual or his family, then the county of residence of such person shall be responsible for such costs. If it is not possible to determine the county of residence of the person, the cost shall be borne by the county where the person was originally detained. The county mental health administrative board shall, as part of its annual community mental health program plan, adopt standards as to (1) inability to pay in whole or in part, (2) a definition of substantial hardship, and (3) appropriate payment schedules. Financial responsibility with respect to department services and facilities shall continue to be as provided in chapter 71.02 RCW.

NEW SECTION. Sec. 16. COMPENSATION OF APPOINTED COUNSEL. Attorneys appointed for persons pursuant to this chapter shall be compensated for their services as follows: (1) The person for whom an attorney is appointed shall, if he is financially able pursuant to standards as to financial capability and indigency set by the superior court of the county in which the proceeding is held, bear the costs of such legal services; (2) If such person is indigent pursuant to such standards, the costs of such services shall be borne

by the county in which the proceeding is held, subject however to the responsibility for costs provided in section 37(2) of this 1973 amendatory act.

NEW SECTION. Sec. 17. EXEMPTIONS FROM LIABILITY. No public or private officer or agency initiating or providing treatment pursuant to this chapter, nor the superintendent, professional person in charge, his professional designee, or attending staff of any such agency, nor peace officer responsible for detaining a person pursuant to this chapter shall be civilly or criminally liable for performing duties prescribed by this chapter or releasing a person at or before the end of the period for which he was admitted or committed for evaluation or treatment: PROVIDED, That such duties were performed in good faith and without negligence.

NEW SECTION. Sec. 18. DUTY OF PROSECUTING ATTORNEY. In any judicial proceeding for involuntary commitment or detention, or in any proceeding challenging such commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention.

NEW SECTION. Sec. 19. RECORDS MAINTAINED. A record of all applications, petitions, and proceedings under this chapter shall be maintained by the county clerk in which the application, petition, or proceeding was initiated.

NEW SECTION. Sec. 20. DETENTION OF MENTALLY DISORDERED PERSONS FOR EVALUATION AND TREATMENT. (1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The mental health professional shall also designate, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name of this attorney in the summons.

(b) The summons shall state a date and time to appear not less than twenty-four hours after the summons, notice of rights, and statement of specific facts required by section 25 of this 1973 amendatory act is served on such person. The summons shall state the address of the evaluation and treatment facility to which such person is to report and the business address and phone number of the mental health professional designated by the county. The summons shall

state that if the person named in the summons fails to appear at the evaluation and treatment facility at or before the date and time stated in the summons, such person may be involuntarily taken into custody.

(c) If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence. The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the summons together with a notice of rights and a statement of specific facts as required by section 25 of this 1973 amendatory act. After service on such person the mental health professional shall file the return of service and statement of specific facts in court and provide copies of all papers in the court file to the evaluation and treatment facility. This shall constitute an application as required by section 21 of this 1973 amendatory act. The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time specified on the summons if such person is not released prior to the expiration of such period.

(d) If the person summoned appears on or before the date and time specified, the evaluation and treatment facility shall admit such person as required by section 22 of this 1973 amendatory act. If the person summoned fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. At the time such person is taken into custody there shall be served on such person, his guardian, and conservator, if any, a copy of the original summons together with a copy of the notice and statement of specific facts required by section 25 of this 1973 amendatory act.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in section 23 of this 1973 amendatory act.

(3) A peace officer may take such person or cause such person

to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1) (d) of this section.

A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and placed in an evaluation and treatment facility only pursuant to subsections (1) (d) and (2) of this section or when such person is subject to lawful arrest and as a result of mental disorder presents an imminent likelihood of serious harm to others or himself.

NEW SECTION. Sec. 21. APPLICATION. Any facility receiving a person pursuant to section 20 of this 1973 amendatory act shall require an application in writing stating the circumstances under which the person's condition was made known and stating that such officer or person has evidence, as a result of his personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm to himself or others, or that he is gravely disabled, and stating the specific facts known to him as a result of his personal observation or investigation, upon which he bases the belief that such person should be detained for the purposes and under the authority of this chapter.

If a person is involuntarily placed in an evaluation and treatment facility pursuant to section 20 of this 1973 amendatory act, not later than seventy-two hours after the initial detention, the professional staff of the facility or the mental health professional designated by the county shall file with the court either the application, a copy of the notice required by section 25 of this 1973 amendatory act, proof of service of notice, and the statement of specific facts, or a copy of the second notice and statement of specific facts served on such person as required by section 20(1)(d) of this 1973 amendatory act and proof of service of the second notice, if proceedings are initiated under section 20(1)(d) of this 1973 amendatory act.

NEW SECTION. Sec. 22. ACCEPTANCE OF APPLICATION. Whenever such an application is made for admission of a person whose actions constitute a likelihood of serious harm to himself or others, or who is gravely disabled, the facility providing seventy-two hour evaluation and treatment must immediately accept such application and the person. The facility shall then evaluate the person's condition and admit or release such person in accordance with section 26 of this 1973 amendatory act. The facility shall notify the court of the date and time of the initial detention of each person involuntarily detained in order that a probable cause hearing shall be held no later than seventy-two hours after detention.

NEW SECTION. Sec. 23. DETENTION FOR EVALUATION--SERVICES

PROVIDED. If the evaluation and treatment facility admits the person, it may detain him for evaluation and treatment for a period not to exceed seventy-two hours, including Saturdays, Sundays, and holidays.

NEW SECTION. Sec. 24. PERSONS NOT ADMITTED--TRANSPORTATION. If an application is not approved for admission by a facility providing seventy-two hour evaluation and treatment, the facility shall furnish transportation, if not otherwise available, for the person to his place of residence or other appropriate place.

NEW SECTION. Sec. 25. NOTICE AND STATEMENT OF RIGHTS--PROBABLE CAUSE HEARING. (1) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both he and, if possible, a responsible member of his immediate family, guardian, and conservator, if any, shall be immediately advised in writing and orally, by the officer or person taking him into custody, if any, and by personnel of the evaluation and treatment facility to which he is taken that unless he is released within seventy-two hours of the initial detention:

(a) That a judicial hearing in a district justice court or in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain him after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that he is a mentally ill person whose mental disorder presents a likelihood of serious harm to others or himself or that he is gravely disabled;

(b) That he has a right to communicate immediately with an attorney; he has a right to have an attorney appointed to represent him before and at the probable cause hearing if he is indigent; and he has the right to be told the name and address of the attorney the court has designated pursuant to this chapter;

(c) That he has the right to remain silent and that any statement he makes may be used against him;

(d) That he has the right to present evidence and to cross-examine witnesses who testify against him at the probable cause hearing; and

(e) That he has the right to refuse medication beginning twenty-four hours prior to the probable cause hearing.

(2) When proceedings are initiated under section 20 (2) or (3) of this 1973 amendatory act, no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility shall serve on such person a statement of specific facts alleged to have caused such person's present detention and possible future detention. This

statement of specific facts may be taken directly from the application of the peace officer required by section 21 of this 1973 amendatory act.

(3) The judicial hearing described in subsection (1) of this section is hereby authorized, and shall be held according to the provisions of subsection (1) of this section and rules promulgated by the supreme court.

NEW SECTION. Sec. 26. EVALUATION--TREATMENT AND CARE--RELEASE OR OTHER DISPOSITION. Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his admission, be examined and evaluated by a licensed physician and licensed mental health professional unless a licensed mental health professional is not reasonably available, and shall receive such treatment and care as his condition requires for the period that he is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his professional designee, the person presents a likelihood of serious harm to himself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be either released, referred for further care on a voluntary basis, or certified for intensive treatment.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment.

NEW SECTION. Sec. 27. PROPERTY OF COMMITTED PERSON. At the time a person is involuntarily admitted to an evaluation and treatment facility, the professional person in charge or his designee shall take reasonable precautions to inventory and safeguard the personal property of the person detained. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this section, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without the consent of the patient or order of the court.

NEW SECTION. Sec. 28. PROCEDURES FOR ADDITIONAL TREATMENT. A person detained for seventy-two hour evaluation and treatment may

be detained for not more than fourteen additional days of either involuntary intensive treatment or of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled; and

(2) The person has been advised of the need for, but has not accepted, voluntary treatment; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary treatment with the court. The petition must be signed either by two physicians or by one physician and a licensed psychologist who have examined the person, unless one of these persons is not reasonably available, in which case another mental health professional who participated in the examination may sign the notice. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others; and

(5) A copy of the petition for fourteen day involuntary treatment has been served on the detained person, his attorney and his guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary treatment after a probable cause hearing has been held pursuant to section 29 of this 1973 amendatory act.

NEW SECTION. Sec. 29. PROBABLE CAUSE HEARING. If a petition is filed for fourteen day involuntary treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person. If requested by the detained person or his attorney, the hearing may be postponed for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the

result of mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed fourteen days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period is to be sought, such person will have the right to a full hearing or jury trial as required by section 36 of this 1973 amendatory act and that if such person requests release from the evaluation and treatment facility during the fourteen day period he will be brought before a court pursuant to section 53 of this 1973 amendatory act.

NEW SECTION. Sec. 30. PROBABLE CAUSE HEARING-->DETAINED PERSON'S RIGHTS. At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his behalf;
- (2) To cross examine witnesses who testify against him;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file.

NEW SECTION. Sec. 31. RELEASE--EXCEPTION. (1) Involuntary treatment shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in charge of the facility or his professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom section 33 of this 1973 amendatory act is applicable.

NEW SECTION. Sec. 32. TEMPORARY RELEASE. Nothing in this chapter shall prohibit the professional person in charge of a treatment facility, or his professional designee, from permitting a person detained for intensive treatment to leave the facility for prescribed periods during the term of the person's detention, under such conditions as may be appropriate.

NEW SECTION. Sec. 33. ADDITIONAL CONFINEMENT--GROUNDS--DURATION. At the expiration of the fourteen day period of intensive treatment, a person may be confined for further treatment pursuant to section 37 of this 1973 amendatory act for an additional period, not to exceed ninety days if:

(1) Such person has threatened, attempted, or inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and, as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he attempted or inflicted physical harm upon the person of another, and continues to present, as a result of mental disorder, a likelihood of serious harm.

For the purposes of this chapter "custody" shall mean involuntary detention under the provisions of this chapter, uninterrupted by any period of unconditional release from a facility providing involuntary care and treatment.

NEW SECTION. Sec. 34. PETITION--AFFIDAVIT. At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his professional designee may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in section 33 of this 1973 amendatory act. The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining licensed psychologist unless one of these persons is not reasonably available, in which case another mental health professional who participated in the examination may sign such affidavits. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person.

NEW SECTION. Sec. 35. FILING OF PETITION--SERVICE--ADVICE OF RIGHTS. A petition for ninety day treatment shall be filed with the clerk of the superior court. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing, and shall notify the

prosecuting attorney. The person filing the petition shall immediately notify the person detained, his attorney, if any, and his guardian or conservator, if any, and provide a copy of the petition to such persons.

At the time set for appearance the detained person shall be brought before the court and the court shall advise him of his right to be represented by an attorney and of his right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person. The court shall also set a date for a full hearing on the petition as provided in section 36 of this 1973 amendatory act.

NEW SECTION. Sec. 36. TIME FOR HEARING--DUE PROCESS--JURY TRIAL--CONTINUATION OF TREATMENT. The court shall conduct a hearing on the petition for ninety day treatment within four judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within ten judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioning facility. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his attorney, the detained person shall be released.

NEW SECTION. Sec. 37. REMAND FOR ADDITIONAL TREATMENT--DURATION--NEW PETITION. (1) If the court or jury finds that the person named in the petition (a) has threatened, attempted, or actually inflicted physical harm upon the person of another after having been taken into custody for evaluation and treatment, and as a result of mental disorder, presents an imminent threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention; or (b) was taken into custody as a result of attempting to inflict or inflicting physical harm upon the person of another, and as a result of mental disorder presents an imminent

threat of serious physical harm to others, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of intensive treatment not to exceed ninety days from the date of judgment.

If the court or jury finds that the respondent has committed acts falling within either subsection (1) (a) or (b) of this section, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him to the custody of the department of social and health services or to a facility certified for ninety day treatment by the department of social and health services for a further period of less restrictive treatment not to exceed ninety days from the date of judgment.

(2) Said person shall be released from involuntary treatment at the expiration of ninety days unless the superintendent or professional person in charge of the facility in which he is confined files a new petition for involuntary treatment on the grounds that the committed person has attempted or actually inflicted physical harm on another during his period of involuntary treatment, and he is a person who, by reason of mental disorder, presents a likelihood of serious harm, and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention. Such new petition for involuntary treatment shall be filed and heard either in the superior court of the county of the facility which is filing the new petition for involuntary treatment or in the superior court of the county wherein the original petition for involuntary treatment was filed. The cost of the proceedings shall be borne by the county wherein the original petition for involuntary treatment was filed, when such proceedings are had in a county other than the county wherein the petition for involuntary treatment was filed and arrangements shall be made and agreements reached between involved counties for billing and payment arrangements to meet said responsibility.

The hearing shall be held as provided in section 36 of this 1973 amendatory act, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued

treatment is filed and heard in the same manner as provided herein above. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. No person committed as herein provided may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

NEW SECTION. Sec. 38. EARLY RELEASE--NOTICE TO COURT. Nothing in this chapter shall prohibit the superintendent or professional person in charge of the hospital or facility in which the person is being involuntarily treated from releasing him prior to the expiration of the commitment period when, in the opinion of the superintendent or professional person in charge, the person being involuntarily treated no longer presents a likelihood of serious harm to others.

Whenever the superintendent or professional person in charge of a hospital or facility providing involuntary treatment pursuant to this chapter releases a person prior to the expiration of ninety days, the superintendent or professional person in charge shall in writing notify the court which committed the person for treatment.

NEW SECTION. Sec. 39. OUTPATIENT CARE--CONDITIONAL RELEASE--PROCEDURES FOR REVOCATION. (1) When in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient care prior to the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient care is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person.

(3) If the hospital or facility designated to provide outpatient care or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his release, and because of that failure has become a substantial danger to himself or other persons, then, upon notification by the hospital or facility designated to provide outpatient care, or on his own motion, the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he is receiving outpatient treatment until such time, not

exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he had been conditionally released. The secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court shall be notified before the close of the next judicial day of a person's detention under the provisions of this section, and the secretary shall file his petition and order of apprehension and detention with the court and serve them upon the person detained, his attorney, if any, and his guardian or conservator, if any. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his release; and, if he failed to adhere to such terms and conditions, (a) whether he is likely to injure himself or other persons if not returned for involuntary treatment on an inpatient basis, or (b) whether the conditions of release should be modified. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his counsel and his guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the secretary on the same basis set forth therein without the secretary requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than fifteen days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

NEW SECTION. Sec. 40. ASSISTANCE TO RELEASED PERSONS. No indigent patient shall be conditionally released or discharged from involuntary treatment without suitable clothing, and the superintendent of a state hospital shall furnish the same, together with such sum of money as he shall deem necessary for the immediate

welfare of the patient. Such sum of money shall be the same as the amount required by RCW 72.02.100 to be provided to persons in need being released from correctional institutions. As funds are available, the secretary may provide payment to indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so.

NEW SECTION. Sec. 41. RIGHTS OF INVOLUNTARILY DETAINED PERSONS. (1) Every person involuntarily detained, certified, or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter and shall retain all rights not denied him under this chapter and which follow from such denial by necessary implication.

(2) Each person involuntarily detained, certified, or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

NEW SECTION. Sec. 42. RIGHTS--POSTING OF LIST. Insofar as imminent danger to the individual or others is not created, each person involuntarily detained, certified, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(1) To wear his own clothes and to keep and use his own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(2) To keep and be allowed to spend a reasonable sum of his own money for canteen expenses and small purchases;

(3) To have access to individual storage space for his private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(7) Not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him, and not to have shock treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the person is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person;

(8) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding

directed to that particular issue;

(9) Not to have a lobotomy performed on him under any circumstances.

NEW SECTION. Sec. 43. RIGHTS OF VOLUNTARILY COMMITTED PERSONS. All persons voluntarily entering or remaining in any facility, institution, or hospital providing evaluation and treatment for mental disorder shall have no less than all rights secured to involuntarily detained persons by sections 41 and 42 of this 1973 amendatory act.

NEW SECTION. Sec. 44. CONFIDENTIAL INFORMATION AND RECORDS--DISCLOSURE. The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the patient, or his guardian, must be obtained before information or records may be disclosed by a professional person employed by a facility to a professional person, not employed by the facility, who does not have the medical responsibility for the patient's care;

(2) When the person receiving services, or his guardian, designates persons to whom information or records may be released, or if the person is a minor, when his parents make such designation;

(3) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(4) For program evaluation and/or research: PROVIDED, That the secretary of social and health services adopts rules for the conduct of such evaluation and/or research. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(5) To the courts as necessary to the administration of this chapter.

The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any civil or criminal proceeding without the written consent of the person who was the subject of the proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available only to the person who was the subject of the proceeding or his attorney. In addition, the court may order the release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

NEW SECTION. Sec. 45. INFORMATION TO PERSON'S FAMILY. Nothing in this chapter shall prohibit a public or private agency from releasing to a patient's attorney, his guardian, or conservator, if any, or a member of the patient's family the information that the person is presently a patient in the facility or that the person is seriously physically ill, if the professional person in charge of the facility determines that the release of such information is in the best interest of the person. Upon the death of a patient, his guardian or conservator, if any, and a member of his family shall be notified.

NEW SECTION. Sec. 46. NOTICE OF DISAPPEARANCE OF PERSON. When a voluntary patient would otherwise be subject to the provisions of section 44 of this 1973 amendatory act, and disclosure is necessary for the protection of the patient or others due to his unauthorized disappearance from the facility, and his whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his professional designee.

NEW SECTION. Sec. 47. RECORDS OF DISCLOSURE. When any disclosure of information or records is made as authorized by sections 44 through 46 of this 1973 amendatory act, the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

NEW SECTION. Sec. 48. STATISTICAL DATA. Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers

under standards, including standards to assure maintenance of confidentiality, set forth by the secretary of the department of social and health services.

NEW SECTION. Sec. 49. ACTION FOR UNAUTHORIZED RELEASE OF CONFIDENTIAL INFORMATION--LIQUIDATED DAMAGES--TREBLE DAMAGES--INJUNCTION. Any person may bring an action against an individual who has wilfully and knowingly released confidential information or records concerning him in violation of the provisions of this chapter, for the greater of the following amounts:

(1) One thousand dollars; or

(2) Three times the amount of actual damages sustained, if any. It shall not be a prerequisite to recovery under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general, damages.

Any person may bring an action to enjoin the release of confidential information or records concerning him or his ward, in violation of the provisions of this chapter, and may in the same action seek damages as provided in this section.

The court may award to the plaintiff, should he prevail in an action authorized by this section, reasonable attorney fees in addition to those otherwise provided by law.

NEW SECTION. Sec. 50. COMPETENCY--EFFECT--STATEMENT OF WASHINGTON LAW. Competency shall not be determined or withdrawn by operation of, or under the provisions of this chapter. No person shall be presumed incompetent or lose any civil rights as a consequence of receiving evaluation or treatment for mental disorder, either voluntarily or involuntarily, or certification or commitment pursuant to this chapter or any prior laws of this state dealing with mental illness. Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

NEW SECTION. Sec. 51. RIGHT TO COUNSEL. Every person involuntarily detained shall immediately be informed of his right to a hearing to review the legality of his detention and of his right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him.

NEW SECTION. Sec. 52. RIGHT TO EXAMINATION. A person challenging his detention or his attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he is financially able, bear the cost of such expert information, otherwise such expert

examination shall be at public expense.

NEW SECTION. Sec. 53. REQUEST FOR RELEASE--NOTICE. Any staff person of a facility for evaluation and treatment to whom an objection to detention or a request for release is made, shall promptly provide the person making the request with a copy of the form provided for hereinafter in this section, help him to fill out the form, and deliver the completed form to the professional person in charge of the facility, or his professional designee. Not later than the next judicial day the professional person in charge of the facility, or his designee, shall file with the clerk of the superior court the request for release. Not later than two days after filing such request, the facility shall notify the clerk as to whether or not such person has been released. If no notice is received or the person has not been released, the clerk shall notify a judge of the superior court who shall immediately appoint an attorney to represent the person who has requested release. A form for a request for release shall be provided in accordance with rules and regulations adopted by the secretary.

NEW SECTION. Sec. 54. PRESENT RIGHTS. Nothing in this chapter shall prohibit a person committed on or prior to the effective date of this 1973 amendatory act from exercising a right available to him at or prior to the effective date of this 1973 amendatory act for obtaining release from confinement.

NEW SECTION. Sec. 55. LIABILITY OF APPLICANT. Any person making or filing an application alleging that a person should be involuntarily detained, certified, committed, treated, or evaluated pursuant to this chapter shall not be rendered civilly or criminally liable where the making and filing of such application was in good faith.

NEW SECTION. Sec. 56. DAMAGES FOR EXCESSIVE DETENTION. Any individual who negligently, knowingly, or wilfully, in violation of the provisions of this chapter, detains a person for more than the allowable number of days shall be liable to the person detained in civil damages. It shall not be a prerequisite to an action under this section that the plaintiff shall have suffered or be threatened with special, as contrasted with general damages.

NEW SECTION. Sec. 57. PROTECTION OF RIGHTS--STAFF. The department of social and health services shall have the responsibility to determine whether all rights of individuals recognized and guaranteed by the provisions of this chapter and the Constitutions of the state of Washington and the United States are in fact protected and effectively secured. To this end, the department shall assign appropriate staff who shall from time to time as may be necessary have authority to examine records, inspect facilities, attend proceedings, and do whatever is necessary to monitor,

evaluate, and assure adherence to such rights. Such persons shall also recommend such additional safeguards or procedures as may be appropriate to secure individual rights set forth in this chapter and as guaranteed by the state and federal Constitutions.

NEW SECTION. Sec. 58. FACILITIES PART OF COMPREHENSIVE MENTAL HEALTH PROGRAM. Evaluation and treatment facilities authorized pursuant to this chapter may be part of the comprehensive community mental health services program conducted in counties pursuant to the Community Mental Health Services Act, chapter 71.24 RCW, and may receive funding pursuant to the provisions thereof.

NEW SECTION. Sec. 59. STANDARDS FOR PUBLIC AND PRIVATE EVALUATION AND TREATMENT FACILITIES, ENFORCEMENT PROCEDURES--PENALTIES. (1) The department shall establish standards to be met by a public or private facility to be certified as an evaluation and treatment facility, and shall fix the fees to be paid by such facility to the department for the required inspections.

(2) The department shall periodically inspect certified evaluation and treatment facilities at reasonable times and in a reasonable manner.

(3) The department shall maintain an updated list of certified evaluation and treatment facilities.

(4) Each certified evaluation and treatment facility shall file with the department, on request, such data, statistics, schedules, and information as the department reasonably requires. A certified evaluation and treatment facility which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may be removed from the list of certified evaluation and treatment facilities and its certification revoked or suspended.

(5) The department may suspend, revoke, limit, or restrict a certification, or refuse to grant a certification for failure to conform to the law, applicable rules and regulations, or applicable standards.

(6) The superior court may restrain any evaluation and treatment facility from operating without certification or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.04 RCW, any denial, suspension, limitation, restriction, or revocation of certification, and grant other relief required to enforce the provisions of this chapter.

(7) Upon petition by the department, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the department authorizing him to enter at reasonable times, and examine the records, books, and accounts of any public or private evaluation and treatment facility refusing to consent to inspection or examination by the department.

(8) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter, and shall otherwise assure the effectuation of the purposes and intent of this chapter.

NEW SECTION. Sec. 60. RECOGNITION OF COUNTY FINANCIAL NECESSITIES. The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all increased costs, if any, to the counties resulting from their administration of the provisions of this 1973 amendatory act.

NEW SECTION. Sec. 61. ADOPTION OF RULES AND REGULATIONS. The department of social and health services shall adopt such rules and regulations as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality of the program and facilities operating pursuant to this chapter, evaluation of the effectiveness and cost effectiveness of such programs and facilities, and procedures and standards for certification and other action relevant to evaluation and treatment facilities.

NEW SECTION. Sec. 62. RULES OF COURT. The supreme court of the state of Washington shall adopt such rules as it shall deem necessary with respect to the court procedures and proceedings provided for by this chapter.

NEW SECTION. Sec. 63. SEVERABILITY. If any provision of this 1973 amendatory 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. 64. Sections 6 through 63 of this 1973 amendatory act shall constitute a new chapter in Title 71 RCW, and shall be considered the successor to those sections of chapter 71.02 RCW repealed by this 1973 amendatory act.

NEW SECTION. Sec. 65. Section headings as used in sections 6 through 63 of this 1973 amendatory act shall not constitute any part of law.

NEW SECTION. Sec. 66. The following acts or parts of acts are each repealed:

(1) Section 71.02.010, chapter 25, Laws of 1959 and RCW

71.02.010;

(2) Section 71.02.020, chapter 25, Laws of 1959 and RCW

71.02.020;

(3) Section 71.02.090, chapter 25, Laws of 1959 and RCW

71.02.090;

(4) Section 71.02.100, chapter 25, Laws of 1959 and RCW

71.02.100;

(5) Section 71.02.110, chapter 25, Laws of 1959 and RCW

71.02.110;

(6) Section 71.02.120, chapter 25, Laws of 1959, section 9, chapter 196, Laws of 1959 and RCW 71.02.120;

(7) Section 71.02.130, chapter 25, Laws of 1959, section 10, chapter 196, Laws of 1959 and RCW 71.02.130;

(8) Section 71.02.140, chapter 25, Laws of 1959 and RCW

71.02.140;

(9) Section 71.02.150, chapter 25, Laws of 1959 and RCW

71.02.150;

(10) Section 71.02.160, chapter 25, Laws of 1959 and RCW

71.02.160;

(11) Section 71.02.170, chapter 25, Laws of 1959 and RCW

71.02.170;

(12) Section 71.02.180, chapter 25, Laws of 1959 and RCW

71.02.180;

(13) Section 71.02.190, chapter 25, Laws of 1959 and RCW

71.02.190;

(14) Section 71.02.200, chapter 25, Laws of 1959 and RCW

71.02.200;

(15) Section 71.02.210, chapter 25, Laws of 1959 and RCW

71.02.210;

(16) Section 71.02.220, chapter 25, Laws of 1959 and RCW

71.02.220;

(17) Section 71.02.230, chapter 25, Laws of 1959, section 3, chapter 127, Laws of 1967 ex. sess., section 63, chapter 292, Laws of 1971 ex. sess. and RCW 71.02.230;

(18) Section 71.02.240, chapter 25, Laws of 1959 and RCW

71.02.240;

(19) Section 71.02.250, chapter 25, Laws of 1959, section 1, chapter 51, Laws of 1959 and RCW 71.02.250;

(20) Section 2, chapter 51, Laws of 1959 and RCW 71.02.255;

(21) Section 71.02.260, chapter 25, Laws of 1959 and RCW

71.02.260;

(22) Section 71.02.270, chapter 25, Laws of 1959 and RCW

71.02.270;

(23) Section 71.02.280, chapter 25, Laws of 1959 and RCW

71.02.280;

(24) Section 71.02.290, chapter 25, Laws of 1959 and RCW 71.02.290;

(25) Section 71.02.300, chapter 25, Laws of 1959 and RCW 71.02.300;

(26) Section 71.02.450, chapter 25, Laws of 1959, section 1, chapter 24, Laws of 1967 and RCW 71.02.450;

(27) Section 71.02.650, chapter 25, Laws of 1959 and RCW 71.02.650;

(28) Section 2, chapter 196, Laws of 1959 and RCW 71.03.010;

(29) Section 4, chapter 196, Laws of 1959 and RCW 71.03.020;

(30) Section 5, chapter 196, Laws of 1959 and RCW 71.03.030;

(31) Section 6, chapter 196, Laws of 1959 and RCW 71.03.040;

(32) Section 7, chapter 196, Laws of 1959 and RCW 71.03.050;

(33) Section 8, chapter 196, Laws of 1959 and RCW 71.03.060;

(34) Section 3, chapter 196, Laws of 1959 and RCW 71.03.900;

(35) Section 71.12.580, chapter 25, Laws of 1959 and RCW 71.12.580;

(36) Section 1, chapter 145, Laws of 1959 and RCW 72.01.390;

(37) Section 2, chapter 145, Laws of 1959 and RCW 72.01.400;

(38) Section 72.08.110, chapter 28, Laws of 1959 and RCW 72.08.110;

(39) Section 72.23.090, chapter 28, Laws of 1959, section 51, chapter 292, Laws of 1971 ex. sess. and RCW 72.23.090;

(40) Section 72.23.140, chapter 28, Laws of 1959 and RCW 72.23.140;

(41) Section 72.23.150, chapter 28, Laws of 1959 and RCW 72.23.150;

(42) Section 72.23.220, chapter 28, Laws of 1959 and RCW 72.23.220;

(43) Section 72.23.270, chapter 28, Laws of 1959 and RCW 72.23.270;

(44) Section 72.25.040, chapter 28, Laws of 1959, section 4, chapter 78, Laws of 1965 and RCW 72.25.040.

NEW SECTION. Sec. 67. This 1973 amendatory act shall take effect on January 1, 1974.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 143

[Engrossed Senate Bill No. 2361]

VOTERS' PAMPHLETS--

REBUTTAL STATEMENTS

AN ACT Relating to the voters' pamphlet; amending section 29.81.010, chapter 9, Laws of 1965 and RCW 29.81.010; amending section 29.81.020, chapter 9, Laws of 1965 and RCW 29.81.020; amending section 29.81.030, chapter 9, Laws of 1965 and RCW 29.81.030; amending section 29.81.040, chapter 9, Laws of 1965 as amended by section 4, chapter 145, Laws of 1971 ex. sess. and RCW 29.81.040; amending section 29.81.050, chapter 9, Laws of 1965 and RCW 29.81.050; and adding new sections to chapter 9, Laws of 1965 and chapter 29.81 RCW.

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

Section 1. Section 29.81.010, chapter 9, Laws of 1965 and RCW 29.81.010 are each amended to read as follows:

The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(1) Upon the top portion of the first two opposing pages relating to said measure and not exceeding one-third of the total printing area shall appear:

(a) The legal identification of the measure by serial designation and number;

(b) The official ballot title of the measure;

(c) A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(4) Following each argument or rebuttal statement each member of the committee advocating for or against a measure shall be listed

by name and address to the end that the public shall be fully apprised of the advocate's identity.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in RCW 29.81.080.

Sec. 2. Section 29.81.020, chapter 9, Laws of 1965 and RCW 29.81.020 are each amended to read as follows:

(1) The attorney general shall prepare the explanatory statements required to be presented on the top portion of the two facing pages relating to each measure. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this chapter. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

(2) Arguments and rebuttal statements advocating the voters' approval or rejection of any measure shall be prepared and submitted for printing by the committees created pursuant to RCW 29.81.030, 29.81.040 and 29.81.050. Such arguments and rebuttal statements shall be the (~~official~~) arguments and rebuttal statements and no other arguments or rebuttal statements shall appear in the pamphlet as to such measure. Arguments may contain graphs and charts, supported by factual statistical data and pictures or other illustrations, but cartoons or caricatures shall not be permitted.

Sec. 3. Section 29.81.030, chapter 9, Laws of 1965 and RCW 29.81.030 are each amended to read as follows:

Arguments advocating voters' approval of any proposed constitutional amendment (~~(7)~~) or referendum bill (~~(7 or referendum measure)~~) shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator known to favor the measure and the

presiding officer of the house of representatives shall appoint one state representative known to favor the measure. The two persons so appointed shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint any persons who are, in their judgement, qualified to serve in such capacity.

Sec. 4. Section 29.81.040, chapter 9, Laws of 1965 as amended by section 4, chapter 145, Laws of 1971 ex. sess. and RCW 29.81.040 are each amended to read as follows:

Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the house and the presiding officer of the senate shall ~~((be empowered to))~~ appoint any persons who are, in their judgment, qualified to serve in such capacity.

Sec. 5. Section 29.81.050, chapter 9, Laws of 1965 and RCW 29.81.050 are each amended to read as follows:

Arguments advocating voters' ~~((rejection of any act passed by the legislature and referred to the people by referendum petition and arguments both for and against))~~ approval of any initiative measure or any act passed by the legislature and referred to the people by referendum petition and rebuttal statements of arguments advocating rejection of such measures shall be composed and submitted for printing by ~~((committees))~~ a committee created as follows:

~~((For arguments favoring any such measures,))~~ The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons known to favor the measure to serve on the committee. The two persons so appointed shall appoint a third person to the committee.

Arguments advocating voters' rejection of any initiative measure or any act passed by the legislature and referred to the

people by referendum petition and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows:

~~((12) For arguments against any such measures,))~~ The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons to serve on the committee. Whenever possible, the two persons so appointed shall be known to have opposed the measure. The two persons so appointed shall appoint a third person to the committee.

NEW SECTION. Sec. 6. There is added to chapter 9, Laws of 1965 and to chapter 29.81.RCW a new section to read as follows:

The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to RCW 29.81.030 and 29.81.040 shall submit such arguments, not to exceed two hundred fifty words in length, to the secretary of state no later than the first day of June preceding the election at which the measures will appear. In the event that a committee appointed pursuant to RCW 29.81.030 or 29.81.040 fails to submit its argument prior to the first day of June preceding the election, the secretary of state, the presiding officer of the house of representatives, and the presiding officer of the state senate shall appoint any persons who are, in their judgment, qualified to compose such an argument. Any additional committee so appointed shall have until the last day of June preceding the election on the measure to compose and submit the appropriate argument.

NEW SECTION. Sec. 7. There is added to chapter 9, Laws of 1965 and to chapter 29.81 RCW a new section to read as follows:

On or before the first day of July preceding the election, the secretary of state shall transmit each argument submitted advocating approval of a constitutional amendment or referendum bill to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of a constitutional amendment or referendum bill to the committee appointed to compose the argument in favor of the same measure. The committees concerned may submit rebuttal arguments, not to exceed seventy-five words in length, addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of July preceding the election at which the measure is to appear.

NEW SECTION. Sec. 8. There is added to chapter 9, Laws of 1965 and to chapter 29.81 RCW a new section to read as follows:

The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to RCW 29.81.050 shall submit such arguments, not to exceed two hundred fifty words in length, no later

than the last day of July preceding the election at which the measures will appear.

NEW SECTION. Sec. 9. There is added to chapter 9, Laws of 1965 and to chapter 29.81 RCW a new section to read as follows:

On or before the first day of August preceding the election, the secretary of state shall transmit each argument submitted advocating approval of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument in favor of the measure. The committees concerned may submit rebuttal arguments not to exceed seventy-five words in length addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of August preceding the election at which the measure is to appear.

Passed the Senate April 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 144

[Senate Bill No. 2452]

UNFIT BUILDINGS--ASSESSMENTS--INTEREST
CHARGE--LIEN PRIORITY

AN ACT Relating to housing and unfit dwellings; and amending section 35.80.030, chapter 7, Laws of 1965 as last amended by section 3, chapter 127, Laws of 1969 ex. sess. and RCW 35.80.030.

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

Section 1. Section 35.80.030, chapter 7, Laws of 1965 as last amended by section 3, chapter 127, Laws of 1969 ex. sess. and RCW 35.80.030 are each amended to read as follows:

(1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, or structures. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board or officer in the municipality, or may be a

separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as herein defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper published in the municipality in which the property is located, or in the absence of such legal newspaper, it shall be posted in three public places in the municipality in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, or

structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7)(a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1)(c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper on the basis of the standards set forth as required in subdivision (1)(e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission.

The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the treasurer of the municipality in cases arising out of the city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with ((the same interest {not to exceed six percent} and penalties, and when collected shall be deposited to the credit of the general fund of the municipality: PROVIDED, That if the total assessment due and owing exceeds twenty-five dollars the local governing body shall; upon written request of the owner or party in interest; divide the amount due into ten equal annual installments; subject to earlier payment at the option of owner or party in interest)) interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the

proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the cost incident thereto.

The demolition assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1) (f) hereof may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) To determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (by ordinance adopted by its

governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, or county, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 145

[Engrossed Senate Bill No. 2841]

SALES TAX--NON-PROFIT HOSPITAL

LAUNDRY ASSOCIATIONS--EXEMPTION

AN ACT Relating to revenue and taxation; amending section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 299, Laws of 1971 ex. sess. and RCW 82.04.050; prescribing an effective date; and declaring an emergency.

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

Section 1. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 3, chapter 299, Laws of 1971 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 also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (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 street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

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 July 1, 1973.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 146
[Senate Bill No. 2040]
GIFT TAX EXCLUSION--AGE
LIMIT--INCREASED

AN ACT Relating to gift taxes; and amending section 83.56.050, chapter 15, Laws of 1961 as last amended by section 69, chapter 292, Laws of 1971 ex. sess. and RCW 83.56.050.

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

Section 1. Section 83.56.050, chapter 15, Laws of 1961 as last amended by section 69, chapter 292, Laws of 1971 ex. sess. and RCW 83.56.050 are each amended to read as follows:

(1) In the case of gifts, other than of future interests in property, made to any person by the donor during any calendar year, the first three thousand dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this chapter, be included in the total amount of gifts made during such year.

(2) No part of a gift to an individual who has not attained the age of ((eighteen)) twenty-one years on the date of the transfer shall be considered a gift of a future interest in property for the purposes of subsection (1) of this section if the property and the income therefrom:

(a) May be expended by or for the benefit of, the donee before his attaining the age of ((eighteen)) twenty-one years; and

(b) Will to the extent not so expended:

(i) pass to the donee on his attaining the age of ((eighteen)) twenty-one years; and

(ii) in the event the donee dies before attaining the age of ((eighteen)) twenty-one years, be payable to the estate of the donee, or as he may appoint under a general power of appointment.

Passed the Senate March 24, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 147

[Engrossed Substitute Senate Bill No. 2066]

STATE EMPLOYEES' INSURANCE PROGRAMS--
MODIFICATION--BOARD MEMBERSHIP,
JURISDICTION--EXPANDED

AN ACT Relating to public employment; modifying insurance programs for state employees and expanding the membership and jurisdiction of the state employees insurance board; amending section 2, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.020; amending section 3, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.030; amending section 5, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.050; amending section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 269, Laws of 1971 ex. sess. and RCW 28B.10.660; amending section 5, chapter 59, Laws of 1969 as amended by section 11, chapter 39, Laws of 1970 ex. sess. and RCW 41.04.230; amending section 1, chapter 75, Laws of 1963 as last amended by section 10, chapter 39, Laws of 1970 ex. sess. and RCW 41.04.180; amending section .24.01, chapter 79, Laws of 1947 and RCW 48.24.010; amending section 1, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.010; amending section 8, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.080; adding a new section to Title 41 RCW; repealing section 9, chapter 39, Laws of 1970 ex. sess. and RCW 41.06.370; creating new sections; and making an appropriation.

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

Section 1. Section 2, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.020 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; ~~((the state directors of the department of general administration and the department of 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 administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be

appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years; PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state; PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board; PROVIDED, That all contracts for insurance, health care plans or protection applying to employees covered by this 1973 amendatory act shall provide that the beneficiaries of such insurance, health care plans or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW; PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for ((health benefit)) all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide ((three)) employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, ((another)) at least one plan will provide basic first-dollar benefits as its primary feature

plus major medical, either or ~~((both))~~ all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the ~~((three))~~ health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974.

Sec. 2. Section 3, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.030 are each amended to read as follows:

(1) The director of the department of personnel shall be trustee and administrator of all health benefit and insurance contracts awarded by the board and shall have power to employ a benefits supervisor and such other assistants and employees as may be necessary subject to the jurisdiction of the state civil service law, chapter 41.06 RCW. The director of personnel shall provide any other personnel and facilities necessary for assistance to the board. He may delegate his duties hereunder to the benefits supervisor.

(2) The director of personnel, as trustee, shall transmit contributions ~~((for health care benefits))~~ for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund, which shall be used for payment of premiums, administrative expenses ~~((other than staffing))~~ as provided in RCW 41.05.030(1), to reduce employee contributions or to increase benefits in accordance with instructions of the board.

(3) Every division, department, or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board.

Sec. 3. Section 5, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.050 are each amended to read as follows:

(1) Every department, division, or separate agency of state government shall provide contributions to ~~((hospitalization and medical aid))~~ insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. All such contributions will be paid into the state employees insurance fund to be expended by the trustee for the payment of required ~~((health))~~ insurance premiums and health

care fees.

(2) The contributions of any department, division, or separate agency of the state government shall be ((limited to ten dollars per month per employee covered; from July 1, 1970 through June, 1971. Thereafter such contribution shall be established by the state personnel board in accordance with the procedure required for the adoption and amendment of salary schedules for employees under its jurisdiction as provided in RCW 41.06.150 and 41.06.160. The contributions for employees not covered by state civil service shall be)) set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district ((and higher education)) personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the contributions to the various insurance programs by departments, divisions, and separate agencies of state government.

Sec. 4. Section 28B.10.660, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 269, Laws of 1971 ex. sess. 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, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees((r)) and students ((and employees)) of the institution((r)) 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 all or a part of the cost of such protection or insurance for the employees of their respective institutions and their dependents in an amount not to exceed twenty dollars per month per employee covered. The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such protection or insurance shall be borne by the assenting regent, trustee or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis the services of those

practitioners licensed pursuant to chapters 48-22, 48-25, 48-53, 48-57 and 48-74 RCW)). The premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

Sec. 5. Section 5, chapter 59, Laws of 1969 as amended by section 11, chapter 39, Laws of 1970 ex. sess. and RCW 41.04.230 are each amended to read as follows:

Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U. S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single

agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident and casualty premiums to a single insurer: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) ((Health care)) Insurance contributions to the trustee of ((health care benefit)) contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction.

Sec. 6. Section 1, chapter 75, Laws of 1963 as last amended by section 10, chapter 39, Laws of 1970 ex. sess. and RCW 41.04.180 are each amended to read as follows:

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 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 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 provision for school district ((and higher education)) personnel

shall not be made under this section but shall be as provided for in RCW ((28.76.440 for sections)) 28A.58.420 ((and 28B.10.660 of the 1969 education code)).

Sec. 7. Section 8, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.080 are each amended to read as follows:

Retired or disabled state employees may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: ~~((EXCEPT))~~ PROVIDED, That the rates charged such retired or disabled state employees for health care coverage shall be identical to that charged active participants; PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office.

NEW SECTION. Sec. 8. Section 9, chapter 39, Laws of 1970 ex. sess. and RCW 41.06.370 are hereby repealed.

NEW SECTION. Sec. 9. If any provision of this 1973 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. 10. This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect.

Sec. 11. Section .24.01, chapter 79, Laws of 1947 and RCW 48.24.010 are each amended to read as follows:

(1) No contract of life insurance shall hereafter be delivered or issued for delivery in this state insuring the lives of more than one individual unless to one of the groups as provided for in this chapter, and unless in compliance with the other provisions of this chapter.

(2) Subsection (1) of this section shall not apply to contracts of life insurance

(a) insuring only individuals related by marriage, by blood, or by legal adoption; or

(b) insuring only individuals having a common interest through ownership of a business enterprise, or of a substantial legal interest or equity therein, and who are actively engaged in the management thereof; or

(c) insuring the lives of employees and retirees under contracts executed with the state employees insurance board under the

provisions of chapter 41.05 RCW.

Sec. 12. Section 1, chapter 39, Laws of 1970 ex. sess. and RCW 41.05.010 are each amended to read as follows:

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

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the legislature who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel.

NEW SECTION. Sec. 13. Nothing contained in this 1973 amendatory act shall be deemed to amend, alter or affect the provisions of Chapter 23, Laws of 1972, Extraordinary Session, and RCW 28B.10.840 through 28B.10.844 as now or hereafter amended.

NEW SECTION. Sec. 14. There is appropriated from the state employees' insurance revolving fund to the state employees' insurance board the sum of one hundred thousand dollars, or so much thereof as may be necessary, to supplement other funds related to health care coverage and to provide the necessary staff and studies attendant to the investigation and review of other insurance plans for state employees.

Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 148

[Engrossed Senate Bill No. 2088]

BARBERS, COSMETOLOGISTS, HAIR
STYLISTS--REGULATION

AN ACT Relating to business and professions; amending section 1,

chapter 75, Laws of 1923 as last amended by section 1, chapter 52, Laws of 1957 and RCW 18.15.010; amending section 6, chapter 75, Laws of 1923 as last amended by section 4, chapter 223, Laws of 1967 and RCW 18.15.050; amending section 7, chapter 75, Laws of 1923 as last amended by section 2, chapter 266, Laws of 1971 ex. sess. and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 as amended by section 10, chapter 223, Laws of 1967 and RCW 18.15.065; amending section 14, chapter 75, Laws of 1923 as last amended by section 12, chapter 223, Laws of 1967 and RCW 18.15.090; amending section 13, chapter 223, Laws of 1967 and RCW 18.15.097; amending section 8, chapter 172, Laws of 1901 as last amended by section 15, chapter 223, Laws of 1967 and RCW 18.15.100; amending section 7, chapter 209, Laws of 1929 as last amended by section 16, chapter 223, Laws of 1967 and RCW 18.15.110; amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010; amending section 8, chapter 215, Laws of 1937 and RCW 18.18.020; amending section 1, chapter 215, Laws of 1937 as amended by section 2, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.030; amending section 18, chapter 215, Laws of 1937 and RCW 18.18.040; amending section 2, chapter 180, Laws of 1951 as last amended by section 3, chapter 324, Laws of 1959 and RCW 18.18.050; amending section 2, chapter 324, Laws of 1959 as amended by section 3, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.065; amending section 5, chapter 180, Laws of 1951 as last amended by section 6, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.090; amending section 7, chapter 215, Laws of 1937 as amended by section 7, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.100; amending section 4, chapter 313, Laws of 1955 as amended by section 9, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.110; amending section 8, chapter 180, Laws of 1951 as last amended by section 12, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.190; amending section 7, chapter 180, Laws of 1951 as last amended by section 3, chapter 266, Laws of 1971 ex. sess. and RCW 18.18.140; amending section 15, chapter 215, Laws of 1937 as amended by section 8, chapter 324, Laws of 1959 and RCW 18.18.220; amending section 11, chapter 52, Laws of 1957 as last amended by section 17, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.260; and amending section 12, chapter 52, Laws of 1957 and RCW 18.18.270; adding new sections to chapter 18.15 RCW; and adding a new section to chapter 18.18 RCW.

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

Section 1. Section 1, chapter 75, Laws of 1923 as last

amended by section 1, chapter 52, Laws of 1957 and RCW 18.15.010 are each amended to read as follows:

Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally upon male or female) constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair, or applying tonics; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body: PROVIDED, That the provisions of this chapter shall not apply to any person employed in, or engaged in the operation of any beauty shop or hair dressing establishment or to persons engaged in the care or treatment of patients in health facilities or engaged in the care of residents of boarding homes and similar residential care facilities: PROVIDED, FURTHER, That a certified men's hair stylist may perform the following additional practices: (1) Hair analysis, reconditioning, and restoration procedures, as required; (2) the chemical processing of the hair, including temporary or permanent body waving, curl correction, or straightening, as well as the application of other chemicals in the process of barbering; and (3) the fitting and servicing of wigs, wefts, and hair pieces.

Sec. 2. Section 6, chapter 75, Laws of 1923 as last amended by section 4, chapter 223, Laws of 1967 and RCW 18.15.050 are each amended to read as follows:

Barber examinations shall be held six times in each year in the months of February, April, June, August, October and December; and on such particular dates, within the said times, and in such particular cities and places as the director of (~~licenses~~) motor vehicles shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take an examination in each branch as follows: (1) sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill

and ability in performing the following barber services; (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possess the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee of thirty-five dollars, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city and place where he is to appear for his examination for a license or permit to practice barbering in this state.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee of fifteen dollars, and which reexamination fee

shall be paid at the time of application for such reexamination, said application and fee to be submitted to the director at least fifteen days prior to an examination date: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined.

Any person who applies for a license or permit to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee of fifteen dollars, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license. The curriculum for such course of instruction shall be determined by the barber examining committee and approved by the director.

NEW SECTION. Sec. 3. There is added to chapter 18.15 RCW a new section to read as follows:

Any person with a permit to barber in this state who is indentured as a barber apprentice pursuant to chapter 49.04 RCW and who has successfully completed the related training course as approved by the barber examining committee and the state department of labor and industries, apprenticeship council, and who has served the required number of months under the direct supervision of a licensed barber of this state as provided in this chapter, shall be deemed qualified to receive a license to practice barbering in this state without a final examination. Upon application and payment of a sum equal to the annual license renewal fee, the director shall issue him a license to practice as a barber in this state: PROVIDED, That the applicant meets all of the other requirements of this chapter.

Sec. 4. Section 7, chapter 75, Laws of 1923 as last amended by section 2, chapter 266, Laws of 1971 ex. sess. and RCW 18.15.060 are each amended to read as follows:

Every person licensed as a barber or a permit barber shall pay an annual license fee of not ((more)) less than ((ten)) five dollars nor more than fifteen dollars, ((to be determined by the director as provided in RCW 43.24.005)) for a license or permit renewal certificate on or before the thirtieth day of June each year. The annual license and permit renewal fee shall be determined by the

director under the provisions of chapter 34.04 RCW. Failure to pay the annual license or permit renewal fees before delinquency shall work a forfeiture of the license or permit, but the license or permit may be renewed within three years thereafter without examination upon application therefor by the licentiate or permittee, and payment of a fee of fifteen dollars plus all lapsed fees. Should the licentiate or permittee allow his license or permit to elapse for more than three years, he must be reexamined as for a new license or permit.

Sec. 5. Section 3, chapter 84, Laws of 1959 as amended by section 10, chapter 223, Laws of 1967 and RCW 18.15.065 are each amended to read as follows:

It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of ~~((licenses))~~ motor vehicles. Each application for a license shall be accompanied by a fee of ~~((four))~~ twenty-five dollars.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee of ~~((four))~~ twenty-five dollars, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, ~~((an inspection))~~ a penalty fee of twenty-five dollars will be made, prior to issuance of a license.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by a fee of four dollars. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee of twenty-five dollars, upon satisfactory inspection.

Sec. 6. Section 14, chapter 75, Laws of 1923 as last amended by section 12, chapter 223, Laws of 1967 and RCW 18.15.090 are each amended to read as follows:

Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of ~~((licenses))~~ motor vehicles a permit to do so, and shall keep the same prominently displayed. No barber school or

college shall be issued a permit by the director of ((licenses)) motor vehicles unless such school or college is financially responsible, and will be able in the judgment of the director ((of licenses)) to carry out and perform any contract made for the instruction of students therein.

Such school or college shall instruct students therein in the practice of barbering, including shaving and cutting of the hair and beard, and the various services incident thereto, preparation and care of tools used, sanitation as applied to barbering, knowledge concerning the common diseases of the face and skin to avoid aggravation and spreading thereof in the practice of barbering, and the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering. Such barber school or college shall be managed and operated by a barber duly licensed as a manager-instructor under the provisions of this chapter, and shall at all times, while open and in operation, be in charge and under the direct supervision of a barber duly licensed as an instructor or manager-instructor under the provisions of this chapter((;)).

Every school or college shall at all times maintain one barber duly licensed as a manager-instructor or instructor, and there shall be at least one such licensed instructor or manager-instructor for each twenty students or fraction thereof, in attendance; and there shall be at least one such instructor or manager-instructor on the floor at all times when the barber school or college is open to serve the public, which said instructor or manager-instructor shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between top and bottom of any such window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college, or use in any advertisement, any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front

of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director ((of licenses)). The director ((of licenses)) shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor. Each applicant for a manager-instructor's license shall submit an application to the director on such forms as it may prescribe. The qualifications for such a license, ((examinations,)) license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The examination for a manager-instructor's license, shall in addition to the requirements for an instructor's license, include business management as related to barber shops and barber schools, state laws and regulations relating to the operation of barber schools and barbering, and such other subjects relating to the operation of barber schools or colleges as the examining committee may prescribe. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licentiate must be reexamined as for a new license.

Sec. 7. Section 13, Chapter 223, Laws of 1967 and RCW 18.15.097 are each amended to read as follows:

No person shall engage in teaching or instructing in barber schools or colleges without an instructor's license issued by the director. Each applicant for an instructor's license shall submit an application to the director on such forms as ((it)) he may prescribe, and must comply with the following qualifications: (1) Each applicant must be at least twenty-five years of age; (2) must be of good health; (3) must be of good moral character; (4) must have had at least five years of experience as a licensed barber of this state in a licensed barber shop of this state immediately preceding application; (5) must have a current barber license; (6) must have at least a tenth grade education or be capable of proving an equivalent education as determined by the board for vocational education and local schools; (7) each applicant must take an examination administered by the examining committee. The examination shall cover such subjects as are usually taught in barber schools and colleges in practical and theory work; (8) such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing all of the barbering services as required

by this chapter. Applications for an instructor's license must be made before becoming engaged in teaching or instructing, but applicant may be permitted to engage in teaching or instructing for a period of not more than sixty days, at which time he must present himself for examination. The fee for such license and examination shall be ~~((twenty-five))~~ fifty dollars. Each license shall be renewed on or before July 1st; the renewal fee shall be twenty-five dollars. If application for a renewal is not received on or before July 1st, the renewal fee shall be twenty-five dollars plus a penalty of twenty-five dollars. The instructor's license shall stand revoked if not used for a period of two years, and an examination as for a new license will be required before a license will be reissued.

Any person engaged as an instructor or manager-instructor on effective date of this chapter, in a barber school or college of this state, shall be issued a license under this section upon payment of the fees herein prescribed.

Sec. 8. Section 8, chapter 172, Laws of 1901 as last amended by section 15, chapter 223, Laws of 1967 and RCW 18.15.100 are each amended to read as follows:

It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this chapter unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this chapter. Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, and showing completion of the tenth grade, or has an equivalent education as determined by the director whose determination shall be conclusive, shall be deemed qualified to make an application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college in this state. Application therefor shall be made to the director ~~((of licenses))~~. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides or has recently resided, that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee of five dollars, which fee shall accompany his application. The director ~~((of licenses))~~ upon the receipt of such application and fee shall issue to each qualified applicant a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to one renewal thereafter upon the payment of a fee of five dollars: PROVIDED, That any student barber holding (1) a valid student barber certificate, and (2) a graduation

certificate from any barber school or barber college authorized under this chapter shall be deemed qualified to make application for a permit to practice barbering in this state. Application therefor shall be made to the director (~~of licenses~~). Each applicant shall pay a fee of twenty-five dollars plus an amount equal to the annual renewal fee, which fee shall accompany his application. The director of (~~licenses~~) upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a permit to practice barbering in this state. Failure of applicant to appear for said examination will cause a forfeiture of fees.

Sec. 9. Section 7, chapter 209, Laws of 1929 as last amended by section 16, chapter 223, Laws of 1967 and RCW 18.15.110 are each amended to read as follows:

It shall be unlawful for any barber school or barber college authorized under this chapter to grant admission to or instruct any person in the practice of barbering therein unless such person then holds a valid student barber certificate issued under this chapter. Every such barber school or barber college shall require as a prerequisite to graduation therefrom the completion of a course of instruction and practice therein of not less than one thousand two hundred forty-eight hours, to be completed in not less than eight consecutive months' time nor more than sixteen months' time from the date of the admission of such barber student. Such course of instruction and practice shall include, in addition to the subjects and practice hereinbefore prescribed, instruction in the following subjects: (1) Scientific fundamentals of barbering(~~;~~ as set forth with particularity in the latest revised edition of either of the following textbooks: (a) "Standardized Textbook of Barbering", published by the Associated Master Barbers of America, Chicago, Illinois, or (b) "Textbook of Practical and Scientific Barbering", published by the Journeyman Barbers, Educational Department, Indianapolis, Indiana)); (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; (4) coloring and bleaching the hair; (~~and~~) (5) use of chemicals, creams, lotions and solutions as applied in the practice of barbering.

Any basic textbook, or text books, may be used in barber schools and colleges, however, a specific text book (or text books) as recommended by the barber examining committee and designated by the director in accordance with the provisions of chapter 34.04 RCW shall be used in the preparation of examinations.

A detailed curriculum approved by the barber examining committee and adopted by the director in accordance with the provisions of chapter 34.04 RCW shall be followed by all barber schools and colleges.

Each student barber upon the satisfactory completion of the said prescribed course of instruction and practice shall be issued a graduation certificate from such barber school or barber college. Each such graduate student shall be furnished a certified copy of his graduation certificate by such barber school or barber college for his use in filing his application for a permit to practice barbering in this state as hereinbefore provided.

NEW SECTION. Sec. 10. There is added to chapter 18.15 RCW a new section to read as follows:

The legislature finds that there is a distinct difference between the practice of barbering and the practice of men's hairstyling.

The legislature further finds that it is necessary to distinguish between the two practices to enable those persons currently within the profession of barbering to advance themselves professionally to become duly certified men's hairstylists and recognized as such. Therefore, it shall be the policy of the state to make laws regulating the practice of men's hairstyling.

NEW SECTION. Sec. 11. There is added to chapter 18.15 RCW a new section to read as follows:

In addition to the practice of barbering any one or any combination of the following practices when done upon the upper part of the human male body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment constitutes the practice of men's hairstyling: Straightening, curling, temporary waving, permanent waving, bleaching, or applying chemicals as related to men's hairstyling, or doing similar work thereon by the use of the hands or any method of mechanical application or appliances.

NEW SECTION. Sec. 12. There is added to chapter 18.15 RCW a new section to read as follows:

Any person duly licensed as a barber in this state, and who has satisfactorily completed a course of instruction in the practice of men's hairstyling as approved by the barber examining committee, shall be entitled to make application to be examined for a Washington state men's hairstyling certificate. Fee for such examination and certificate shall be fifty dollars; application and fee to be submitted to the director at least fifteen days prior to an examination date. Any applicant for a certificate under this chapter who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the examining committee that he possesses the required professional skill and ability to properly perform each of the said men's hairstyling services, shall be entitled to receive, and the

director shall issue to him an official Washington state men's hairstyling certificate, recognizing him as a certified men's hairstylist, and when accompanied by a current barber license of this state, shall entitle him to practice men's hairstyling.

PROVIDED, That persons engaged in the practice of men's hairstyling under this chapter are authorized to perform body waving and permanent waving to the extent necessary to style or arrange the hair on male patrons, but persons engaged in the practice of men's hairstyling under this chapter are not authorized to otherwise engage in the practice of cosmetology unless such person is licensed under chapter 18.18 RCW.

NEW SECTION. Sec. 13. There is added to chapter 18.15 RCW a new section to read as follows:

The barber examining committee shall prescribe the curriculum and examination for a men's hairstyling certificate in accordance with the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 14. There is added to chapter 18.15 RCW a new section to read as follows:

The barber examining committee shall adopt such reasonable rules and regulations as necessary to regulate the practice of men's hairstyling under this chapter pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 15. There is added to chapter 18.15 RCW a new section to read as follows:

The committee, with the approval of the director, shall meet at least once annually with the manager-instructors and/or instructors of each barber school or barber college in this state to discuss current trends and examinations.

Sec. 16. Section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010 are each amended to read as follows:

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

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

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

(3) "Practice of ~~((beauty culture))~~ cosmetology" or ~~(("beauty culture"))~~ "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with

the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting ((on female persons));

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

((5)) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

((6)) "Manicurist" means any person who engages in the practice of manicuring;

((5)) ((7)) ((7)) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed ((beauty)) cosmetology school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

((6)) ((8)) ((8)) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and ((beauty culture)) cosmetology under the direct supervision and direction of a manager operator;

((7)) ((9)) ((9)) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

((8)) ((10)) ((10)) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and ((beauty culture)) cosmetology is conducted;

((9)) ((11)) ((11)) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and ((beauty culture)) cosmetology;

((10)) ((12)) ((12)) An "instructor operator" is a person who gives instruction in the practice of hairdressing and ((beauty culture)) cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a ((beauty)) cosmetology school, ((beauty culture)) cosmetology services for members of the public except for instructional purposes;

((11)) ((13)) ((13)) "Director" means the state director of ((licenses)) motor vehicles;

((42)) [14] "Committee" means the ((beauty culture)) cosmetology examining committee;

((43)) [15] "Board" means the hearing board.

Sec. 17. Section 8, chapter 215, Laws of 1937 and RCW 18.18.020 are each amended to read as follows:

The director of ((licenses)) motor vehicles shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this chapter and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and ((beauty culture)) cosmetology under a hairdresser and ((beauty culturist)) cosmetologist or any school of hairdressing and ((beauty culture)) cosmetology licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and ((beauty culture)) cosmetology shops and schools, and shall furnish to each person, firm or corporation licensed under this chapter a copy of such rules; shall hold examinations of all applicants for a license under this chapter, and grant licenses to those qualified. The director of ((licenses)) motor vehicles shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Sec. 18. Section 1, chapter 215, Laws of 1937, as amended by section 2, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.030 are each amended to read as follows:

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

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

Sec. 19. Section 18, chapter 215, Laws of 1937 and RCW 18.18.040 are each amended to read as follows:

Nothing in this chapter shall prohibit any person authorized under the laws of this state to practice medicine, surgery, or dentistry from engaging in the practice for which they are licensed;

nor require a license under this chapter for any barber from performing any service for which he may be licensed; nor prohibit manicuring in barber shops when performed by a manicurist licensed under the provisions of this chapter; but the provisions hereof shall not be construed to authorize any person other than a student or person licensed under this chapter to do permanent, or temporary waving of the hair.

This chapter shall not apply to persons engaged in the care or treatment of patients in health facilities or engaged in the care of residents of boarding homes and similar residential care facilities.

NEW SECTION. Sec. 20. There is added to chapter 18.18 RCW a new section to read as follows:

Within ninety days after the effective date of this 1973 amendatory act the examining committee, under the supervision and direction of the director of motor vehicles, shall devise the qualifications necessary for and an examination for the practice of manicuring, for which a separate license shall hereafter be required under this chapter, except for persons holding a valid license in the practice of beauty culture: PROVIDED, That any person engaged in the practice of manicuring for at least one year prior to the effective date of this 1973 amendatory act shall be deemed qualified for such a license without an examination therefor. Applications for licenses shall be made on such form and require such information and certificates, as required by the examining committee and be accompanied by the proper application fee. Examinations shall be held at regular intervals throughout the year as the examining committee deems necessary. The provisions of RCW 18.18.110 shall not be applicable hereto.

Sec. 21. Section 2, chapter 180, Laws of 1951 as last amended by section 3, chapter 324, Laws of 1959 and RCW 18.18.050 are each amended to read as follows:

An operator's license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has graduated from an accredited high school or the equivalent thereof as determined by the director whose determination shall be conclusive: PROVIDED, That this subdivision shall not apply to those holding a valid operator's license or attending a recognized ((beauty)) cosmetology school prior to the effective date of this amendatory section but such persons shall be subject to the law in existence prior to the effective date of this amendatory section; (4) is a citizen of the United States or declared his intention to become a citizen; (5) has completed a course of training of not less than two thousand hours in a recognized ((beauty)) cosmetology school, such training not to exceed eight hours in any one day; and (6) who has satisfactorily passed the

hairdressing and ((beauty culture)) cosmetology examination in this state.

Sec. 22. Section 2, chapter 324, Laws of 1959 as amended by section 3, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.065 are each amended to read as follows:

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

Sec. 23. Section 5, chapter 180, Laws of 1951 as last amended by section 6, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.090 are each amended to read as follows:

Each application shall be accompanied by the following fees: Student enrollment, five dollars; manicurist, seven dollars and fifty cents; operator, ten dollars; instructor operator, fifteen dollars; manager operator, five dollars; shop, twenty-five dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee of seven dollars and fifty cents.

Sec. 24. Section 7, chapter 215, Laws of 1937 as amended by section 7, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.100 are each amended to read as follows:

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

Sec. 25. Section 4, chapter 313, Laws of 1955 as amended by section 9, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.110 are

each amended to read as follows:

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

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

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

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics in hairdressing and ((beauty culture)) cosmetology.

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

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

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

Sec. 26. Section 8, chapter 180, Laws of 1951 as last amended by section 12, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.190 are each amended to read as follows:

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

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

Sec. 27. Section 7, chapter 180, Laws of 1951 as last amended

by section 3, chapter 266, Laws of 1971 ex. sess. and RCW 18.18.140 are each amended to read as follows:

Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance, of a renewal fee as follows: Manicurist, not more than five dollars; operator, not more than five dollars; instructor operator, not more than six dollars; manager operator, not more than six dollars; shop, not more than seven dollars; school, not more than one hundred and fifty dollars, all such fees to be determined by the director as provided in RCW 43.24.085.

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

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

Sec. 28. Section 15, chapter 215, Laws of 1937 as amended by section 8, chapter 324, Laws of 1959 and RCW 18.18.220 are each amended to read as follows:

Any license issued pursuant to this chapter may be revoked for any of the following causes arising after the issuance thereof:

(1) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;

(2) Habitual drunkenness or the use of habit forming drugs;

(3) Gross incompetency;

(4) Advertising in any manner by means of knowingly false or deceptive statements;

(5) Performing work authorized by said license in an unsanitary or filthy manner;

(6) Performing either the practice of hairdressing and ((beauty culture)) cosmetology or the practice of manicuring upon the person of another while knowingly suffering from an infectious or contagious disease;

(7) Wilful violation of any of the provisions of this chapter;

(8) Failure to pay an operator the minimum wage required by law.

Sec. 29. Section 11, chapter 52, Laws of 1957 as last amended by section 17, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.260 are each amended to read as follows:

No person shall engage in the practice of hairdressing, and ((beauty culture)) cosmetology in any place other than a hairdressing

and ((beauty culture)) cosmetology shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

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

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

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

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

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

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

Sec. 30. Section 12, chapter 52, Laws of 1957 and RCW 18.18.270 are each amended to read as follows:

Every person shall be guilty of a misdemeanor who: (1) Violates any of the provisions of this chapter or any regulation lawfully promulgated by the director; or, (2) permits any person in his employ or under his supervision or control to practice hairdressing and ((beauty culture)) cosmetology without a license where one is required by this chapter; or, (3) attempts to obtain a license by fraudulent means. Each and every day on which such violation occurs shall constitute a separate offense.

Passed the Senate April 13, 1973.

Passed the House April 11, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 149

[Engrossed Senate Bill No. 2119]

COLLEGES AND UNIVERSITIES--EMPLOYEES'
RETIREMENT PLANS

AN ACT Relating to retirement plans, including old age annuities, for

faculty members and other employees of institutions of higher education, public and private, and to the taxation of certain benefits accruing therefrom; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.400; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.415; amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.420; amending section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030; repealing section 28B.50.570, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.570; repealing section 46, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.571; repealing section 47, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.572; repealing section 48, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.573; repealing section 49, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.574; repealing section 50, chapter 283, Laws of 1969 ex. sess., section 2, chapter 79, Laws of 1970 ex. sess. and RCW 28B.50.575; making an appropriation; and making an effective date.

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

Section 1. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities ((and)) the boards of trustees of the state colleges, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as ((the boards of regents of the state universities or the boards of trustees of the state colleges)) any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as ((the boards of regents or the boards of trustees of said institutions)) any such board 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)) faculty members or other

employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person or his surviving spouse, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him or his surviving spouse in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his ((last ten)) highest two consecutive years of full time service at ((such)) an institution of higher education; PROVIDED, HOWEVER, That if such retired person prior to his retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or his surviving spouse shall be at actuarially reduced rates.

Sec. 2. Section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.405 are each amended to read as follows:

Members of the faculties and such other employees as are designated by the boards of regents of the state universities, ((or)) the boards of trustees of the state colleges, or the state board for community college education 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 or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any.

Sec. 3. Section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.410 are each amended to read as follows:

The boards of regents of the state universities, ((or)) the boards of trustees of the state colleges, or the state board for community college education shall pay not more than one-half of the annual premium of any annuity or retirement income plan established under the provisions of RCW 28B.10.400 as amended in section 1 of this 1973 amendatory act. Such contribution shall not exceed ten percent of the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any.

Sec. 4. Section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as amended by section 4, chapter 261, Laws of 1971 ex. sess.

and RCW 28B.10.415 are each amended to read as follows:

The boards of regents of the state universities, ~~((or))~~ the boards of trustees of state colleges, or the state board for community college education 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 ten years in one or more of the state ~~((universities or state colleges))~~ institutions of higher education. 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 as amended in section 1 of this 1973 amendatory act, multiplied by the number of years of full time service rendered by such person.

Sec. 5. Section 28B.10.420, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.420 are each amended to read as follows:

~~((University teaching))~~ Faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the state colleges, or the state board for community college education pursuant to sections 1 through 5 of this 1973 amendatory act shall be retired from ~~((teaching))~~ their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday.

Sec. 6. Section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030 are each amended to read as follows:

The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other right accrued or accruing to any person under ~~((REW))~~ Title 41 RCW or under any retirement or pension system established or in effect for faculty or employees at institutions of higher education, including private institutions of higher education, shall be exempt from inheritance tax.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 28B.50.570, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.570;

(2) Section 46, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.571;

(3) Section 47, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.572;

(4) Section 48, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.573;

(5) Section 49, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.574; and

(6) Section 50, chapter 283, Laws of 1969 ex. sess., section 2, chapter 79, Laws of 1970 ex. sess. and RCW 28B.50.575.

Such repeals shall not be construed as affecting any existing

right acquired under the provisions of the statutes repealed; nor any rule, regulation, or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder.

NEW SECTION. Sec. 8. It is the intent of this 1973 amendatory act that the retirement income resulting from the contributions described herein from the state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to this act will be undertaken at such time and in such manner as determined by the committees on ways and means of the Senate and of the House of Representatives and the public pension commission, and joint contribution rates will be adjusted if necessary to accomplish this intent.

NEW SECTION. Sec. 9. If any provision of this 1973 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. 10. The sum of \$1,611,650 is hereby appropriated from the general fund for the purpose of carrying out this 1973 amendatory act, to be allocated by the governor to the institutions of higher education.

NEW SECTION. Sec. 11. This 1973 amendatory act shall take effect on July 1, 1974.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 150

[Engrossed Substitute Senate Bill No. 2250]

MOTOR VEHICLES--SIZE--WEIGHT--

LOAD--REVISIONS

AN ACT Relating to motor vehicles; amending section 15, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.115; amending section 46.44.040, chapter 12, Laws of 1961 as amended by section 1, chapter 244, Laws of 1971 ex. sess. and RCW 46.44.040; amending section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.047; and amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 55, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.095.

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

Section 1. Section 46.44.040, chapter 12, Laws of 1961 as amended by section 1, chapter 244, Laws of 1971 ex. sess. and RCW 46.44.040 are each amended to read as follows:

(1) Except as provided in RCW 46.44.047 and 46.44.095 it is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds: PROVIDED, That a tolerance of two thousand pounds may be allowed on the rear axle of a two axle garbage truck and an additional two thousand pounds may be purchased under the provisions of RCW 46.44.095 for an amount not to exceed thirty dollars per thousand: PROVIDED FURTHER, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of ((twenty-eight)) thirty-two thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds unless such axles are not less than one hundred and two inches apart, in which case, notwithstanding the provisions of RCW 46.44.045, the allowable gross weight including load shall be thirty-six thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of ((thirty-six)) forty thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in

subsection (1) above.

Sec. 2. Section 46.44.047, chapter 12, Laws of 1961 as last amended by section 2, chapter 249, Laws of 1971 ex. sess. and RCW 46.44.047 are each amended to read as follows:

In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the ((maximum)) gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the ((maximum)) legal gross weight of the combination of vehicles, when ((fully)) licensed as permitted by law, ((being)) for sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within a calendar year for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city

streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

Sec. 3. Section 46.44.095, chapter 12, Laws of 1961 as last amended by section 55, chapter 281, Laws of 1969 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))~~ thirty dollars for each ~~((two))~~ one 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 wheel base 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)) a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total ((excess)) additional 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 except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: PROVIDED, The tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

Dist-

ance

in feet

between Maximum load in pounds carried on any group of 2 or more

the ex- consecutive axles
 tremes
 of any
 group
 of 2
 or more
 consecu-
 tive

	<u>axles 2</u>	<u>axles 3</u>	<u>axles 4</u>	<u>axles 5</u>	<u>axles 6</u>	<u>axles 7</u>	<u>axles 8</u>	<u>axles 9</u>	<u>axles</u>
4	<u>34,000</u>								
5	<u>34,000</u>								
6	<u>34,000</u>								
7	<u>34,000</u>								
8	<u>34,000</u>	<u>42,000</u>							
9	<u>39,000</u>	<u>42,500</u>							
10	<u>40,000</u>	<u>43,500</u>							
11		<u>44,000</u>							
12		<u>45,000</u>	<u>50,000</u>						
13		<u>45,500</u>	<u>50,500</u>						
14		<u>46,500</u>	<u>51,500</u>						
15		<u>47,000</u>	<u>52,000</u>						
16		<u>48,000</u>	<u>52,500</u>	<u>58,000</u>					
17		<u>48,500</u>	<u>53,500</u>	<u>58,500</u>					
18		<u>49,500</u>	<u>54,000</u>	<u>59,000</u>					
19		<u>50,000</u>	<u>54,500</u>	<u>60,000</u>					
20		<u>51,000</u>	<u>55,500</u>	<u>60,500</u>	<u>66,000</u>				
21		<u>51,500</u>	<u>56,000</u>	<u>61,000</u>	<u>66,500</u>				
22		<u>52,500</u>	<u>56,500</u>	<u>61,500</u>	<u>67,000</u>				
23		<u>53,000</u>	<u>57,500</u>	<u>62,500</u>	<u>68,000</u>				
24		<u>54,000</u>	<u>58,000</u>	<u>63,000</u>	<u>68,500</u>	<u>74,000</u>			
25		<u>54,500</u>	<u>58,500</u>	<u>64,500</u>	<u>69,000</u>	<u>74,500</u>			
26		<u>55,500</u>	<u>59,500</u>	<u>65,000</u>	<u>69,500</u>	<u>75,000</u>			
27		<u>56,000</u>	<u>60,000</u>	<u>65,000</u>	<u>70,000</u>	<u>75,500</u>			
28		<u>57,000</u>	<u>60,500</u>	<u>65,500</u>	<u>71,000</u>	<u>76,500</u>	<u>82,000</u>		
29		<u>57,500</u>	<u>61,500</u>	<u>66,000</u>	<u>71,500</u>	<u>77,000</u>	<u>82,500</u>		
30		<u>58,500</u>	<u>62,000</u>	<u>66,500</u>	<u>72,000</u>	<u>77,500</u>	<u>83,000</u>		
31		<u>59,000</u>	<u>62,500</u>	<u>67,500</u>	<u>72,500</u>	<u>78,000</u>	<u>83,500</u>		
32		<u>60,000</u>	<u>63,500</u>	<u>68,000</u>	<u>73,000</u>	<u>78,500</u>	<u>84,500</u>	<u>90,000</u>	
33			<u>64,000</u>	<u>68,500</u>	<u>74,000</u>	<u>79,000</u>	<u>85,000</u>	<u>90,500</u>	
34			<u>64,500</u>	<u>69,000</u>	<u>74,500</u>	<u>80,000</u>	<u>85,500</u>	<u>91,000</u>	
35			<u>65,500</u>	<u>70,000</u>	<u>75,000</u>	<u>80,500</u>	<u>86,000</u>	<u>91,500</u>	
36			<u>66,000</u>	<u>70,500</u>	<u>75,500</u>	<u>81,000</u>	<u>86,500</u>	<u>92,000</u>	
37			<u>66,500</u>	<u>71,000</u>	<u>76,000</u>	<u>81,500</u>	<u>87,000</u>	<u>93,000</u>	
38			<u>67,500</u>	<u>72,000</u>	<u>77,000</u>	<u>82,000</u>	<u>87,500</u>	<u>93,500</u>	
39			<u>68,000</u>	<u>72,500</u>	<u>77,500</u>	<u>82,500</u>	<u>88,500</u>	<u>94,000</u>	

<u>40</u>	<u>68,500</u>	<u>73,000</u>	<u>78,000</u>	<u>83,500</u>	<u>89,000</u>	<u>94,500</u>
<u>41</u>	<u>69,500</u>	<u>73,500</u>	<u>78,500</u>	<u>84,000</u>	<u>89,500</u>	<u>95,000</u>
<u>42</u>	<u>70,000</u>	<u>74,000</u>	<u>79,000</u>	<u>84,500</u>	<u>90,000</u>	<u>95,500</u>
<u>43</u>	<u>70,500</u>	<u>75,000</u>	<u>80,000</u>	<u>85,000</u>	<u>90,500</u>	<u>96,000</u>
<u>44</u>	<u>71,500</u>	<u>75,500</u>	<u>80,500</u>	<u>85,500</u>	<u>91,000</u>	<u>96,500</u>
<u>45</u>	<u>72,000</u>	<u>76,000</u>	<u>81,000</u>	<u>86,000</u>	<u>91,500</u>	<u>97,500</u>
<u>46</u>	<u>72,500</u>	<u>76,500</u>	<u>81,500</u>	<u>87,000</u>	<u>92,500</u>	<u>98,000</u>
<u>47</u>	<u>73,500</u>	<u>77,500</u>	<u>82,000</u>	<u>87,500</u>	<u>93,000</u>	<u>98,500</u>
<u>48</u>	<u>74,000</u>	<u>78,000</u>	<u>83,000</u>	<u>88,000</u>	<u>93,500</u>	<u>99,000</u>
<u>49</u>	<u>74,500</u>	<u>78,500</u>	<u>83,500</u>	<u>88,500</u>	<u>94,000</u>	<u>99,500</u>
<u>50</u>	<u>75,500</u>	<u>79,000</u>	<u>84,000</u>	<u>89,000</u>	<u>94,500</u>	<u>100,000</u>
<u>51</u>	<u>76,000</u>	<u>80,000</u>	<u>84,500</u>	<u>89,500</u>	<u>95,000</u>	<u>100,500</u>
<u>52</u>	<u>76,500</u>	<u>80,500</u>	<u>85,000</u>	<u>90,500</u>	<u>95,500</u>	<u>101,000</u>
<u>53</u>	<u>77,500</u>	<u>81,000</u>	<u>86,000</u>	<u>91,000</u>	<u>96,500</u>	<u>102,000</u>
<u>54</u>	<u>78,000</u>	<u>81,500</u>	<u>86,500</u>	<u>91,500</u>	<u>97,000</u>	<u>102,500</u>
<u>55</u>	<u>78,500</u>	<u>82,500</u>	<u>87,500</u>	<u>92,000</u>	<u>97,500</u>	<u>103,000</u>
<u>56</u>	<u>79,500</u>	<u>83,000</u>	<u>87,500</u>	<u>92,500</u>	<u>98,000</u>	<u>103,500</u>
<u>57</u>	<u>80,000</u>	<u>83,500</u>	<u>88,000</u>	<u>93,000</u>	<u>98,500</u>	<u>104,000</u>
<u>58</u>		<u>84,000</u>	<u>89,000</u>	<u>94,000</u>	<u>99,000</u>	<u>104,500</u>
<u>59</u>		<u>85,000</u>	<u>89,500</u>	<u>94,500</u>	<u>99,500</u>	<u>105,000</u>
<u>60</u>		<u>85,500</u>	<u>90,000</u>	<u>95,000</u>	<u>100,500</u>	<u>105,500</u>

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

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: PROVIDED, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

((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 annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one twelfth of the full fee

multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. 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 in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

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)) 46.85 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)) 46.85 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.

Sec. 4. Section 15, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.115 are each amended to read as follows:

The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: PROVIDED, HOWEVER, In order to exercise this option the owner must pay for the maximum permissible gross weight for the vehicle under RCW 46.44.040 and 46.44.042.

The gross weight fee for such trailers and semitrailers shall be as follows:

<u>Gross Weight of</u>	<u>Fee</u>
Up to 12,000 pounds.....	As specified in column A of RCW 46.16.070
More than 12,000 pounds but not more than 18,000 pounds	\$178.00
More than 18,000 pounds but not more than 32,000 pounds.....	((\$374.00)) <u>\$401.00</u>

More than 32,000 pounds but not
more than 36,000 pounds\$470.00

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination.

NEW SECTION. Sec. 5. It is the intent of the legislature that there shall not be a net loss of revenue as a result of the changes in the imposition of fees set forth in this 1973 amendatory act. The highway commission shall keep proper records and make such surveys and analyses as are necessary and shall report to the next regular session of the legislature: (1) the net effect on revenues of the changes in the imposition of fees set forth in this 1973 amendatory act, and (2) suitable adjustments in the fees changed by this 1973 amendatory act to regain any net loss of revenues as a result of these changes.

Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 151
[Senate Bill No. 2522]
STATE HIGHWAYS--
ROUTE DESIGNATIONS

AN ACT Relating to the state highway system; amending section 14, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.065; amending section 17, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.080; amending section 32, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.155; amending section 40, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.195; amending section 48, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.235; amending section 123, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.610; amending section 148, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.735; amending section 155, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.770; amending section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 29, chapter 73, Laws of 1971 ex. sess. and RCW 47.39.020; amending section 47.04.080, chapter 13, Laws of 1961 and RCW 47.04.080; amending section 34, chapter 170, Laws of 1965 ex. sess. and RCW 47.04.100; adding new sections to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW; repealing

section 26, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.125; repealing section 45, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.220; repealing section 108, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.535; repealing section 47.56.370 chapter 13, Laws of 1961 and RCW 47.56.370; repealing section 10, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.371; and repealing section 11, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.372.

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

Section 1. Section 14, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.065 are each amended to read as follows:

A state highway to be known as state route number 16 is established as follows:

((Beginning at a junction with state route number 3 near the southwest end of Sinclair Inlet; thence northeasterly to a junction with state route number 160 in the vicinity west of Port Orchard; also

From that junction with state route number 160 in the vicinity west of Port Orchard; thence southeasterly by way of the Tacoma Narrows Bridge to a junction with state route number 5 at Tacoma;))

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge and a junction with state route number 160 in the vicinity west of Port Orchard to a junction with state route number 3 in the vicinity of Bremerton.

Sec. 2. Section 32, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.155 are each amended to read as follows:

A state highway to be known as state route number 97 is established as follows:

Beginning at the ((approach to the Biggs Rapids toll)) Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 ((in the vicinity of Maryhill; also

From that junction with state route number 14)) in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 ((at Toppenish; also

From that junction with state route number 22)) at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

((Beginning at a junction with state route number 82 in the vicinity north of Yakima; thence northerly to a junction with state route number 90 in the vicinity of Ellensburg; also))

Beginning at a junction with state route number 90 in the

vicinity east of Cle Elum, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity ((northwest)) north of Wenatchee, thence northerly ((on the west side of the Columbia river)) by the most feasible route by way of the vicinities of Chelan, Pateros ((and)), Brewster, Okanogan, and Oroville to the international boundary line; PROVIDED, That until such times as the watergrade route between Chelan Station and Azwell, as designated by the highway commission, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97.

Sec. 3. Section 40, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.195 are each amended to read as follows:

A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number ((42)) 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton.

Sec. 4. Section 48, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.235 are each amended to read as follows:

A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number ((395)) 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 ((in the vicinity of Prescott; also

From that junction with state route number 425)) in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive".

NEW SECTION. Sec. 5. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 143 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of McNary Dam, thence northerly by the most feasible route to a junction with state route number 14 in the vicinity of Plymouth: PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an

agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge.

NEW SECTION. Sec. 6. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly by the most feasible route to a junction with state route number 14: PROVIDED, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge.

NEW SECTION. Sec. 7. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman.

Sec. 8. Section 123, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.610 are each amended to read as follows:

A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence in an easterly ((to a junction with state route number 465 in the vicinity)) direction by way of Buckley((; also

From that junction with state route number 465 in the vicinity of Buckley; thence northerly to a junction with state route number 464 at)) , Enumclaw((; also

From that junction with state route number 464 at Enumclaw; thence southeasterly by way of)) , and Chinook Pass, to a junction with state route number 12 northwest of Yakima; PROVIDED, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system.

NEW SECTION. Sec. 9. There is added to chapter 51, Laws of

1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg.

Sec. 10. Section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 29, chapter 73, Laws of 1971 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) State route number 2₄, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3₂, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Carr Boulevard north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 131 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge₂ and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of

the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) ((State route number 36; beginning at a junction with state route number 24 to Curlew, east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls;

{11} State route number 34; beginning at Newport, thence in a northerly direction to a junction with state route number 294 in the vicinity of Tiger;

{12}) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of

the Cle Elum river approximately 2.6 miles west of Cle Elum;

~~((13))~~ (11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill; ~~((also~~

Beginning at the crossing of Selah-Moxee canal approximately 5.4 miles north of Yakima thence in a northerly direction to the upper Wilson creek crossing approximately 33.4 miles north of Yakima;

~~(14))~~ (12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly 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 southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with a county road 2.64 miles south of the junction with state route number 3 in Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

~~((15))~~ (13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

~~((16))~~ (14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

~~((17))~~ (15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

~~((18))~~ (16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in Hoquiam thence, in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

~~((19))~~ (17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route

number 101;

~~((20))~~ State route number 443, beginning at the Keystone ferry slip on Whidbey island, thence easterly to a junction with state route number 525;

~~((21))~~ (18) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

~~((22))~~ (19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

~~((23))~~ (20) State route number 155, beginning at a junction with state route number 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; also

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 crossing of Omak creek east of Omak;

~~((24))~~ (21) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

~~((25))~~ State route number 294, beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 34 at Tiger;

~~((26))~~ (22) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 30 at the west end of the crossing over the Columbia river at Kettle Falls;

~~((27))~~ (23) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number ~~((5))~~ 4 in the vicinity north of Naselle;

~~((28))~~ (24) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

((129)) (25) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with ((Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville; generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor; thence northerly by way of Deception pass to a junction with state route number 536 in the vicinity southeast of Anacortes) state route number 20 east of the the Keystone ferry slip:

((130)) (26) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

(27) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange.

Sec. 11. Section 47.04.080, chapter 13, Laws of 1961 and RCW 47.04.080 are each amended to read as follows:

The highway commission is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting((and)), constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

Sec. 12. Section 34, chapter 170, Laws of 1965 ex. sess. and RCW 47.04.100 are each amended to read as follows:

Unless otherwise provided, whenever by statute a new highway or extension is added to ((either)) the ((primary or secondary)) state highway system, no existing city street or county road shall be maintained or improved by the state highway commission as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the state highway commission.

Sec. 13. Section 17, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.080 are each amended to read as follows:

A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number ((536 east of Whitney, thence northeasterly and easterly by way of Burlington, Sedro Woolley, Concrete and Marblemount to Diablo dam, thence easterly by the most feasible route by way of Twisp to a junction with state route number 453 in the vicinity south of Twisp; also

From that junction with state route number 453 in the vicinity south of Twisp; thence easterly by the most feasible route to a junction with state route number 97 in the vicinity south of Okanogan; also

Beginning at a wye connection with state route number 20 southwest of Okanogan; thence southwesterly to a junction with state route number 97 in the vicinity of Malott: PROVIDED; That until such times as state route number 20 from southwest of Okanogan to the vicinity of Malott 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 state route number 20; also

Beginning at a junction with state route number 20 in the vicinity of Okanogan; thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Okanogan; 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport.

Sec. 14. Section 27, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.130 are each amended to read as follows:

A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number ((2 at Newport)) 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary.

Sec. 15. Section 148, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.735 are each amended to read as follows:

A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to Mukilteo; also

Beginning at the vicinity of Columbia Beach in the southern portion of Whidbey Island, thence ((northerly by way of Deception

Pass to a junction with state route number 536 in the vicinity southeast of Anacortes) northwesterly to a junction with state route number 20 in the vicinity east of Keystone.

Sec. 16. Section 155, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.770 are each amended to read as follows:

A state highway to be known as state route number 536 is established as follows:

Beginning at ((Anacortes)) a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon.

NEW SECTION. Sec. 17. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 20 north is established as follows:

Beginning at Anacortes, thence easterly via the most feasible route to a junction with state route number 20 southeast of Anacortes.

NEW SECTION. Sec. 18. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan: PROVIDED, That until such time as this route is actually constructed on the location adopted by the highway commission, no county roads shall be maintained or improved by the highway commission as a temporary route.

NEW SECTION. Sec. 19. There is added to chapter 51, Laws of 1970 ex. sess. and to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak.

NEW SECTION. Sec. 20. The following acts or parts of acts are each hereby repealed:

(1) Section 26, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.125;

(2) Section 45, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.220;

(3) Section 108, chapter 51, Laws of 1970 ex. sess. and RCW

47.17.535;

(4) Section 47.56.370, chapter 13, Laws of 1961 and RCW 47.56.370;

(5) Section 10, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.371; and

(6) Section 11, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.372.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 152

[Engrossed Senate Bill No. 2524]

INSURANCE--COMMISSIONER--

POWERS AND DUTIES

AN ACT Relating to insurance; amending section .05.14, chapter 79, Laws of 1947 as last amended by section 3, chapter 241, Laws of 1969 ex. sess. and RCW 48.05.140; amending section .17.53, chapter 79, Laws of 1947 as last amended by section 11, chapter 241, Laws of 1969 ex. sess. and RCW 48.17.530; amending section 20, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.292; amending section 6, chapter 229, Laws of 1951 as amended by section 12, chapter 241, Laws of 1969 ex. sess. and RCW 48.20.052; amending section .24.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 195, Laws of 1963 and RCW 48.24.060; and amending section .30.01, chapter 79, Laws of 1947 as amended by section 24, chapter 70, Laws of 1965 ex. sess. and RCW 48.30.010.

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

Section 1. Section .05.14, chapter 79, Laws of 1947 as last amended by section 3, chapter 241, Laws of 1969 ex. sess. 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 or regulation 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. 2. Section .17.53, chapter 79, Laws of 1947 as last amended by section 11, chapter 241, Laws of 1969 ex. sess. 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 or any proper order or regulation of the commissioner.

(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 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. 3. Section 20, chapter 241, Laws of 1969 ex. sess. and RCW 48.18.292 are each amended to read as follows:

(1) ~~((No))~~ Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.291 ~~((shall be terminated by refusal to renew by the insurer))~~ unless one of the following situations exists:

(a) The insurer gives the named insured at least twenty days' notice in writing as provided for in RCW 48.18.291(1), that~~((:~~

~~{i})~~ It proposes to refuse to renew the insurance contract upon ~~((such))~~ its expiration date; and sets forth therein the actual reason for refusing to renew; or

~~((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 {i} 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:))~~ to the named insured, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy and the date by which such payment must be made, and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

~~((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))~~ (c) 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 RCW 48.18.291 through 48.18.297 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 RCW 48.18.291 through 48.18.297, be considered as if written for successive policy periods or terms of one year.

Sec. 4. Section 6, chapter 229, Laws of 1951 as amended by section 12, chapter 241, Laws of 1969 ex. sess. and RCW 48.20.052 are each amended to read as follows:

There shall be a provision as follows:

TIME LIMIT ON CERTAIN DEFENSES: (a) After two years from the date of issue of this policy no misstatements except fraudulent misstatements, made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability (as defined in the policy) commencing after the expiration of such two year period.

(The foregoing policy provision shall not be so construed as to affect any legal requirement for avoidance of a policy or denial of a claim during such initial two year period, nor to limit the application of RCW 48.20.172, 48.20.182, 48.20.192, 48.20.202, and 48.20.212 in the event of misstatement with respect to age or occupation or other insurance.)

(A policy which the insured has the right to continue in force subject to its terms by the timely payment of premium (1) until at least age 50 or, (2) in the case of a policy issued after age 44, for at least five years from its date of issue, may contain in lieu of the foregoing the following provision (from which the clause in parentheses may be omitted at the insurer's option) under the caption "INCONTESTABLE":

"After this policy has been in force for a period of two years during the lifetime of the insured (excluding any period during which the insured is disabled), it shall become incontestable as to the statements contained in the application.")

(b) No claim for loss incurred or disability (as defined in the policy) commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy. [More stringent provisions may be required by the commissioner in connection with individual disability policies sold without any application or with minimal applications] ((and with the approval of prima facie rates

for credit insurance in accordance with *section 47 of this 1969 amendatory act)).

Sec. 5. Section .24.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 195, Laws of 1963 and RCW 48.24.060 are each amended to read as follows:

The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. ((Such amounts shall in no event exceed five thousand dollars of life insurance in the case of any employee or member, and the amount of life insurance shall not

exceed one thousand five hundred dollars in the case of retired employees or members and persons over age sixty-five.)

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

Sec. 6. Section .30.01, chapter 79, Laws of 1947 as amended by section 24, chapter 70, Laws of 1965 ex. sess. and RCW 48.30.010 are each amended to read as follows:

(1) No person engaged in the business of insurance shall engage in unfair methods of competition or in unfair or deceptive acts or practices in the conduct of such business as such methods, acts, or practices are defined pursuant to subsection (2) of this section.

(2) In addition to such unfair methods and unfair or deceptive acts or practices as are expressly defined and prohibited by this code, the commissioner may from time to time by regulation ~~((s))~~ promulgated ~~((only after a hearing thereon))~~ pursuant to chapter 34.04 RCW, define other methods of competition and other acts and practices in the conduct of such business reasonably found by him to be unfair or deceptive.

(3) No such regulation shall be made effective prior to the expiration of thirty days after the date of the order ~~((on hearing))~~ by which it is promulgated.

(4) If the commissioner has cause to believe that any person is violating any such regulation he ~~((shall))~~ may order such person to cease and desist therefrom. The commissioner shall deliver such order to such person direct or mail it to the person by registered mail with return receipt requested. If the person ~~((fails to comply therewith before))~~ violates the order after expiration of ten days after the cease and desist order has been received by him, he ~~((shall forfeit to the people of this state))~~ may be fined by the commissioner a sum not to exceed two hundred and fifty dollars for each violation committed thereafter, ~~((such penalty to be recovered by an action prosecuted by the commissioner))~~ or the commissioner may take such other action independently, or in addition, as is permitted under the insurance code for the violation of the regulation.

NEW SECTION. Sec. 7. If any provision of this 1973 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 March 27, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 153

[Engrossed Senate Bill No. 2544]

CONTRACTORS--REGISTRATION, REGULATION--
DEPARTMENT OF LABOR AND INDUSTRIES

AN ACT Relating to the registration and regulation of contractors; amending section 1, chapter 77, Laws of 1963 as last amended by section 1, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.010; amending section 2, chapter 77, Laws of 1963 and RCW 18.27.020; amending section 3, chapter 77, Laws of 1963 and RCW 18.27.030; amending section 4, chapter 77, Laws of 1963 as last amended by section 2, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.040; amending section 7, chapter 77, Laws of 1963 as amended by section 2, chapter 126, Laws of 1967 and RCW 18.27.070; amending section 9, chapter 77, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1967 and RCW 18.27.090; amending section 5, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.120; amending section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010; and prescribing penalties.

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

Section 1. Section 1, chapter 77, Laws of 1963 as last amended by section 1, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.010 are each amended to read as follows:

A "contractor" as used in this chapter is any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; or, who, to do similar work upon his own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. A "general contractor" is a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part; the term "general contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined herein. The terms "general contractor" and "builder" are synonymous. A "specialty contractor" is a contractor whose operations as such do not fall within the foregoing definition of "general contractor".

"Department" as used in this chapter means the department of labor and industries.

"Director" as used in this chapter means the director of the department of labor and industries.

Sec. 2. Section 2, chapter 77, Laws of 1963 and RCW 18.27.020 are each amended to read as follows:

(1) It shall be unlawful for any person to submit any bid or do any work as a contractor until such person shall have been issued a certificate of registration by the state department of ((licenses)) labor and industries. A partnership or joint venture shall be deemed registered if any one of the general partners or venturers whose name appears in the name under which the partnership or venture does business shall be registered. A violation of this section shall be a misdemeanor.

(2) In addition to any criminal penalties which may be imposed under the provisions of subsection (1) of this section, any person who is found to be in violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.04 RCW, shall be required to pay a late registration penalty of not more than one hundred dollars, such amount to be set by the director, in addition to the registration fee provided in RCW 18.27.070, as now or hereafter amended.

Sec. 3. Section 3, chapter 77, Laws of 1963 and RCW 18.27.030 are each amended to read as follows:

An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director ((of licenses)) and which shall include the following information pertaining to the applicant((+)) :

- (1) Employer social security number.
- (2) Industrial insurance number.
- (3) Employment security department number.
- (4) State excise tax registration number.
- (5) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.
- (6) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

Sec. 4. Section 4, chapter 77, Laws of 1963 as last amended by section 2, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.040 are each amended to read as follows:

Each applicant shall, at the time of applying for a certificate of registration, file with the department ((of motor

vehicles)) a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department ((of motor vehicles)) running to the state of Washington if a general contractor, in the sum of ((two)) two thousand dollars; if a specialty contractor, in the sum of ((one)) one thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. Any person having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. Action upon such bond or deposit shall be commenced by serving and filing of the complaint within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Three copies of the complaint shall be served by registered or certified mail upon the department ((of motor vehicles)) at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (1) Labor, including employee benefits;
- (2) Claims for breach of contract by a party to the construction contract;
- (3) Material and equipment;
- (4) Taxes and contributions due the state of Washington;

(5) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished.

In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

The director may promulgate rules and regulations necessary for the proper administration of the security.

Sec. 5. Section 7, chapter 77, Laws of 1963 as amended by section 2, chapter 126, Laws of 1967 and RCW 18.27.070 are each amended to read as follows:

The applicant shall pay to the director ((of licenses)) a registration or renewal fee of, if a general contractor, or if a specialty contractor, fifteen dollars.

Sec. 6. Section 9, chapter 77, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1967 and RCW 18.27.090 are each amended to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the

discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than two hundred-fifty dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than two hundred-fifty dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling

the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the highway department to perform highway construction, reconstruction, or maintenance work.

Sec. 7. Section 5, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.120 are each amended to read as follows:

The department ((of motor vehicles)) shall annually, starting July 1, 1973, compile a list of all contractors registered pursuant to the provisions of this chapter and update such list at least bimonthly. Such list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable reproduction fee.

Sec. 8. Section 43.22.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 66, Laws of 1971 and RCW 43.22.010 are each amended to read as follows:

The department of labor and industries shall be organized into six divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, (4) the division of industrial relations, (5) the division of apprenticeship, and (6) the division of building and construction safety inspection services, which ((last mentioned)) division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and ((hotel inspection)) registration and regulation of contractors. The director may appoint such clerical and other assistants as may be necessary for the general

administration of the department.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 154

[Engrossed Senate Bill No. 2502]

EQUAL RIGHTS

AN ACT Relating to equal rights; amending section 3, chapter 229, Laws of 1937 as last amended by section 5, chapter 30, Laws of 1971 and RCW 2.12.030; amending section 2, chapter 123, Laws of 1917 and RCW 4.20.020; amending section 495, page 220, Laws of 1854 as last amended by section 1, chapter 156, Laws of 1927 and RCW 4.20.060; amending section 9, page 4, Laws of 1869 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010; amending section 10, page 4, Laws of 1869 as last amended by section 10, Code of 1881 and RCW 4.24.020; amending section 2, chapter 64, Laws of 1895 and RCW 6.12.020; amending section 3, chapter 64, Laws of 1895 and RCW 6.12.030; amending section 30, chapter 64, Laws of 1895 and RCW 6.12.040; amending section 31, chapter 64, Laws of 1895 and RCW 6.12.060; amending section 21, chapter 64, Laws of 1895 and RCW 6.12.260; amending section 25, chapter 64, Laws of 1895 as last amended by section 5, chapter 292, Laws of 1971 ex. sess. and RCW 6.12.290; amending section 2, chapter 57, Laws of 1897 as amended by section 6, chapter 292, Laws of 1971 ex. sess. and RCW 6.16.010; amending section 253, page 178, Laws of 1854 as last amended by section 1, chapter 89, Laws of 1965 and RCW 6.16.020; amending section 252, page 178, Laws of 1854 as last amended by section 341, Code of 1881 and RCW 6.16.070; amending section 346, page 88, Laws of 1869 as last amended by section 349, Code of 1881 and RCW 6.16.090; amending section 2, page 39, Laws of 1886 as amended by section 1, chapter 159, Laws of 1923 and RCW 7.12.020; amending section 456, page 214, Laws of 1854 as last amended by section 688, Code of 1881 and RCW 7.36.020; amending section 13, page 81, Laws of 1875 as amended by section 1247, Code of 1881 and RCW 7.48.240; amending section 38, page 108, Laws of 1854 as last amended by section 1931, Code of 1881 and RCW 10.16.150; amending section 33, page 80, Laws of 1854 as last amended by section 183, chapter 249, Laws of 1909 and RCW

9.79.010; amending section 33, page 80, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1943 and RCW 9.79.020; amending section 37, page 187, Laws of 1873 as amended by section 185, chapter 249, Laws of 1909 and RCW 9.79.030; amending section 813, Code of 1881 as amended by section 186, chapter 249, Laws of 1909 and RCW 9.79.040; amending section 815, Code of 1881 as amended by section 187, chapter 249, Laws of 1909 and RCW 9.79.050; amending section 188, chapter 249, Laws of 1909 as amended by section 1, chapter 186, Laws of 1927 and RCW 9.79.060; amending section 816, Code of 1881 as last amended by section 189, chapter 249, Laws of 1909 and RCW 9.79.070; amending section 2, chapter 74, Laws of 1937 as last amended by section 1, chapter 127, Laws of 1955 and RCW 9.79.080; amending section 15.24.086, chapter 11, Laws of 1961 and RCW 15.24.086; amending section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010; amending section 2, chapter 162, Laws of 1927 and RCW 19.72.030; amending section 34, chapter 53, Laws of 1965 and RCW 23A.08.310; amending section 25.04.070, chapter 15, Laws of 1955 and RCW 25.04.070; amending section 25.04.250, chapter 15, Laws of 1955 and RCW 25.04.250; amending sections 1 and 5, page 404, Laws of 1854 as last amended by section 2, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.010; amending section 1, chapter 174, Laws of 1909 as last amended by section 1, chapter 149, Laws of 1959 and RCW 26.04.030; amending section 2, chapter 174, Laws of 1909 as last amended by section 2, chapter 149, Laws of 1959 and RCW 26.04.040; amending sections 13 and 14, page 83, Laws of 1866 as last amended by section 5, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.210; amending section 2, chapter 215, Laws of 1949 as amended by section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26.08.020; amending section 9, chapter 215, Laws of 1949 as amended by section 70, chapter 81, Laws of 1971 and RCW 26.08.090; amending section 12, chapter 215, Laws of 1949 and RCW 26.08.120; amending section 13, chapter 215, Laws of 1949 and RCW 26.08.130; amending section 1, chapter 28, Laws of 1913 as last amended by section 2, chapter 207, Laws of 1969 ex. sess. and RCW 26.20.030; amending section 2, chapter 28, Laws of 1913 as amended by section 1, chapter 297, Laws of 1927 and RCW 26.20.050; amending section 3, chapter 28, Laws of 1913 and RCW 26.20.080; amending section 19, chapter 203, Laws of 1919 and RCW 26.24.190; amending section 2, page 407, Laws of 1854 as last amended by section 2364, Code of 1881 and RCW 26.28.020; amending section 195, chapter 249, Laws of 1909 and

RCW 26.28.060; amending section 3, chapter 291, Laws of 1955 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 and RCW 26.32.050; amending section 8, chapter 291, Laws of 1955 and RCW 26.32.080; amending section 2, chapter 49, Laws of 1903 and RCW 26.37.020; amending section 28A.34.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.050; amending section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as amended by section 37, chapter 48, Laws of 1971 and RCW 28A.60.210; amending section 28B.30.150, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.150; amending section 30.08.150, chapter 33, Laws of 1955 and RCW 30.08.150; amending section 30.20.030, chapter 33, Laws of 1955 and RCW 30.20.030; amending section 43, chapter 235, Laws of 1945 and RCW 33.20.050; amending section 35.24.370, chapter 7, Laws of 1965 as amended by section 61, chapter 292, Laws of 1971 ex. sess. and RCW 35.24.370; amending section 35.27.500, chapter 7, Laws of 1965 as amended by section 62, chapter 292, Laws of 1971 ex. sess. and RCW 35.27.500; amending section 35.66.050, chapter 7, Laws of 1965 and RCW 35.66.050; amending section 36.28.100, chapter 4, Laws of 1963 and RCW 36.28.100; amending section 2, chapter 130, Laws of 1943 as amended by section 1, chapter 74, Laws of 1963 and RCW 38.04.030; amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 149, Laws of 1963 and RCW 38.20.010; amending section 4, chapter 108, Laws of 1895 as amended by section 4, chapter 134, Laws of 1909 and RCW 38.44.010; amending section 4, chapter 178, Laws of 1951 as amended by section 3, chapter 203, Laws of 1967 and RCW 38.52.030; amending section 14, chapter 223, Laws of 1953 and RCW 38.52.300; amending section 15, chapter 31, Laws of 1935 and RCW 41.08.140; amending section 1, chapter 91, Laws of 1947 and RCW 41.16.010; amending section 4, chapter 82, Laws of 1957 as amended by section 4, chapter 5, Laws of 1959 and RCW 41.16.100; amending section 6, chapter 82, Laws of 1957 as amended by section 6, chapter 5, Laws of 1959 and RCW 41.16.120; amending section 8, chapter 82, Laws of 1957 as amended by section 8, chapter 5, Laws of 1959 and RCW 41.16.140; amending section 9, chapter 82, Laws of 1957 as amended by section 9, chapter 5, Laws of 1959 and RCW 41.16.150; amending section 10, chapter 82, Laws of 1957 as amended by section 10, chapter 5, Laws of 1959 and RCW 41.16.160; amending section 11, chapter 82, Laws of 1957 as amended by section 11, chapter 5, Laws of 1959 and RCW 41.16.170; amending section 12, chapter 91, Laws of 1947 and RCW 41.16.230; amending section 1, chapter 382, Laws of 1955

as last amended by section 40, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.010; amending section 4, chapter 382, Laws of 1955 as last amended by section 29, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.040; amending section 25, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.045; amending section 9, chapter 382, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1965 and RCW 41.18.080; amending section 8, chapter 382, Laws of 1955 as last amended by section 28, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.100; amending section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 86, Laws of 1965 and RCW 41.24.160; amending section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180; amending section 52, chapter 80, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1967 and RCW 41.32.520; amending section 2, chapter 183, Laws of 1957 and RCW 41.33.020; amending section 17, chapter 71, Laws of 1947 as last amended by section 7, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.170; amending section 21, chapter 71, Laws of 1947 as last amended by section 10, chapter 227, Laws of 1961 and RCW 41.44.210; amending section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160; amending section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170; amending section 43.22.260, chapter 8, Laws of 1965 and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 and RCW 43.22.270; amending section 43.22.280, chapter 8, Laws of 1965 and RCW 43.22.280; amending section 43.51.570, chapter 8, Laws of 1965 and RCW 43.51.570; amending section 43.78.150, chapter 8, Laws of 1965 and RCW 43.78.150; amending section 46.20.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 71, Laws of 1972 ex. sess. and RCW 46.20.100; amending section 29, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 167, Laws of 1967 and RCW 46.20.322; amending section 1, chapter 194, Laws of 1941 as amended by section 1, chapter 144, Laws of 1965 and RCW 49.24.080; amending section 4, chapter 194, Laws of 1941 and RCW 49.24.110; amending section 51.08.020, chapter 23, Laws of 1961 and RCW 51.08.020; amending section 51.12.080, chapter 23, Laws of 1961 as amended by section 9, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.080; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 289, Laws of 1971 ex. sess. and RCW 51.24.010; amending section 51.24.020, chapter 23, Laws of 1961 and RCW 51.24.020; amending section 51.32.040, chapter 23, Laws of 1961 as last amended by section 18, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.040;

amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 19, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.050; amending section 51.32.070, chapter 289, Laws of 1961 as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070; amending section 51.32.135, chapter 23, Laws of 1961 and RCW 51.32.135; amending section 1, chapter 137, Laws of 1957 and RCW 54.36.010; amending section 4, page 26, Code 1881, Bagley's Supp. as last amended by section 1, page 124, Laws of 1875 and RCW 67.14.040; amending section 72.33.020, chapter 28, Laws of 1959 and RCW 72.33.020; amending section 72.36.040, chapter 28, Laws of 1959 as amended by section 1, chapter 235, Laws of 1959 and RCW 72.36.040; amending section 72.36.050, chapter 28, Laws of 1959 as amended by section 1, chapter 112, Laws of 1967 and RCW 72.36.050; amending section 72.36.080, chapter 28, Laws of 1959 and RCW 72.36.080; amending section 72.64.040, chapter 28, Laws of 1959 and RCW 72.64.040; amending section 1, chapter 14, Laws of 1891 and RCW 73.04.010; amending section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1951 and RCW 73.16.010; amending section 1, chapter 180, Laws of 1949 as amended by section 1, chapter 13, Laws of 1950 ex. sess. and RCW 73.32.020; amending section 1, chapter 292, Laws of 1955 and RCW 73.33.010; amending section 2, chapter 292, Laws of 1955 and RCW 73.33.020; amending section 30, chapter 228, Laws of 1963 and RCW 74.12.340; amending section 8 *[7], chapter 206, Laws of 1963 as amended by section 15, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.220; amending section 8, chapter 206, Laws of 1963 and RCW 74.20.230; amending section 165, chapter 36, Laws of 1917 as amended by section 11, chapter 211, Laws of 1943 and RCW 78.40.608; amending section 12, chapter 152, Laws of 1903 as amended by section 55, chapter 292, Laws of 1971 ex. sess. and RCW 79.48.130; amending section 80.28.080, chapter 14, Laws of 1961 and RCW 80.28.080; amending section 81.28.080, chapter 14, Laws of 1961 and RCW 81.28.080; amending section 81.94.060, chapter 14, Laws of 1961 and RCW 81.94.060; amending section 84.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 245, Laws of 1969 ex. sess. and RCW 84.36.040; amending section 84.36.120, chapter 15, Laws of 1961 as amended by section 72, chapter 299, Laws of 1971 ex. sess. and RCW 84.36.120; repealing section 497, page 220, Laws of 1854, section 11, page 5, Laws of 1869, section 11, page 5, Laws of 1877, section 11, Code of 1881, section 60, chapter 292, Laws of 1971 ex. sess. and RCW 4.24.030; repealing section 487, page 219, Laws of 1854,

section 752, page 152, Laws of 1877, section 747, Code of 1881 and RCW 4.24.120; repealing section 2406, Code of 1881 and RCW 26.16.170; repealing section 1, chapter 84, Laws of 1951, section 1, chapter 41, Laws of 1965 and RCW 49.28.070; and defining crimes and prescribing penalties.

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

Section 1. Section 3, chapter 229, Laws of 1937 as last amended by section 5, chapter 30, Laws of 1971 and RCW 2.12.030 are each amended to read as follows:

(Every judge of the) Supreme court, court of appeals, or superior court judges of the state who retire((s)) from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of ((his)) their natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary ((he was)) they were receiving as a judge at the time of ((his)) their retirement, or at the end of the term immediately prior to ((his)) their retirement if ((his)) their retirement is made after expiration of ((his)) their term. The ((widow)) surviving spouse of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of ((his)) death, if ((she)) the surviving spouse had been married to ((him)) the judge for three years, if ((she)) the surviving spouse had been ((his wife)) married to the judge prior to ((his)) retirement, shall be paid an amount equal to one-half of the retirement pay ((for her husband)) of the judge, as long as ((she)) such surviving spouse remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the ((widow)) the surviving spouse of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of ((his)) death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals, or superior court or any of such courts, or had served an aggregate of twelve years in the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12.012.

Sec. 2. Section 2, chapter 123, Laws of 1917 and RCW 4.20.020 are each amended to read as follows:

Every such action shall be for the benefit of the wife, husband, child or children of the person whose death shall have been so caused. If there be no wife or husband or child or children, such action may be maintained for the benefit of the parents, sisters or ((minor)) brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death.

In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just.

Sec. 3. Section 495, page 220, Laws of 1854 as last amended by section 1, chapter 156, Laws of 1927 and RCW 4.20.060 are each amended to read as follows:

No action for a personal injury to any person occasioning ((his)) death shall abate, nor shall such right of action determine, by reason of such death, if ((he have a wife)) such person has a surviving spouse or child living, or leaving no ((wife)) surviving spouse or issue, if ((he have)) there is dependent upon ((him)) the deceased for support and resident within the United States at the time of ((his)) decedent's death, parents, sisters or ((minor)) brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator of the deceased, in favor of such ((wife)) surviving spouse, or in favor of the ((wife)) surviving spouse and children, or if no ((wife)) surviving spouse, in favor of such child or children, or if no ((wife)) surviving spouse or child or children, then in favor of ((his)) the decedent's parents, sisters or ((minor)) brothers who may be dependent upon ((him)) such person for support, and resident in the United States at the time of ((his)) decedent's death.

Sec. 4. Section 9, page 4, Laws of 1869 as last amended by section 1, chapter 81, Laws of 1967 ex. sess. and RCW 4.24.010 are each amended to read as follows:

((A father; or in case of his death or desertion of his family;)) The mother or father or both may maintain an action as plaintiff for the injury or death of a minor child, or a child on whom either ((is)), or both, are dependent for support ((and the mother for the injury or death of an illegitimate minor child; or an illegitimate child on whom she is dependent for support)): PROVIDED, That in the case of an illegitimate child the father cannot maintain or join as a party an action unless paternity has been duly established and the father has regularly contributed to the child's support.

This section creates only one cause of action, but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the court finds just and equitable.

If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That when the mother of an illegitimate child initiates an action, notice shall be required only if paternity has been duly established and the father has regularly contributed to the child's support.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

In such an action, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

Sec. 5. Section 10, page 4, Laws of 1869 as last amended by section 10, Code of 1881 and RCW 4.24.020 are each amended to read as follows:

A father (~~(or in case of his death or desertion of his family, the)~~) or mother, may maintain an action as plaintiff for the seduction of a (~~(daughter)~~) child, and the guardian for the seduction of a ward, though the (~~(daughter)~~) child or the ward be not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there be no loss of service.

Sec. 6. Section 2, chapter 64, Laws of 1895 and RCW 6.12.020 are each amended to read as follows:

If the claimant be married the homestead may be selected from the community property, or (~~(the)~~) with the consent of the husband, from his separate property (~~(of the husband)~~), or, with the consent of the wife, from her separate property. When the claimant is not married, but is the head of a family within the meaning of RCW 6.12.290 as now or hereafter amended, the homestead may be selected from any of his or her property.

Sec. 7. Section 3, chapter 64, Laws of 1895 and RCW 6.12.030 are each amended to read as follows:

The homestead cannot be selected from the separate property of the wife without her consent or from the separate property of the husband without his consent, shown by his or her making the declaration of homestead.

Sec. 8. Section 30, chapter 64, Laws of 1895 and RCW 6.12.040 are each amended to read as follows:

In order to select a homestead the husband, wife, or other head of a family (~~(or in case the husband has not made such selection, the wife)~~) must execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of homestead, and file the same for record.

Sec. 9. Section 31, chapter 64, Laws of 1895 and RCW 6.12.060

are each amended to read as follows:

The declaration of homestead must contain--

(1) A statement showing that the person making it is the head of a family (or when the declaration is made by the wife, showing that her husband has not made such declaration, and that she therefore makes the declaration for their joint benefit).

(2) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead.

(3) A description of the premises.

(4) An estimate of their actual cash value.

Sec. 10. Section 21, chapter 64, Laws of 1895 and RCW 6.12.260 are each amended to read as follows:

The money paid to the claimant is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead.

Sec. 11. Section 25, chapter 64, Laws of 1895 as last amended by section 5, chapter 292, Laws of 1971 ex. sess. and RCW 6.12.290 are each amended to read as follows:

The phrase "head of the family," as used in this chapter, includes within its meaning--

(1) The husband or wife, when the claimant is a married person; or a widow or widower still residing upon the premises occupied by her or him as a home while married.

(2) Every person who has residing on the premises with him or her, and under his or her care and maintenance, either--

(a) When such child or grandchild be under eighteen years of age, his or her child or grandchild or the child or grandchild of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.

(c) A father, mother, grandmother or grandfather.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) ((An unmarried sister, or)) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable to take care of or support themselves.

Sec. 12. Section 2, chapter 57, Laws of 1897 as amended by section 6, chapter 292, Laws of 1971 ex. sess. and RCW 6.16.010 are each amended to read as follows:

A householder, as designated in all statutes relating to exemptions, is defined to be:

(1) The husband and wife, or either.

(2) Every person who has residing with him or her, and under

his or her care and maintenance, either:

(a) When such child be under eighteen years of age, his or her child, or the child of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.

(c) A father, mother, grandfather or grandmother.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) (~~An unmarried sister, or~~) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable to take care of or support themselves.

Sec. 13. Section 253, page 178, Laws of 1854 as last amended by section 1, chapter 89, Laws of 1965 and RCW 6.16.020 are each amended to read as follows:

The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hundred dollars in value, and all family pictures and keepsakes.

(3) To each householder, (a) his household goods, appliances, furniture and home and yard equipment, not to exceed one thousand dollars in value;

(b) provisions and fuel for the comfortable maintenance of such household and family for three months; and

(c) other property not to exceed four hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To a person not a householder, other property not to exceed two hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed one thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional man, his library, office furniture, office equipment and supplies, not to exceed one thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his trade for the support of himself or family, not to exceed one thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall

be selected by the husband or wife if present, (~~if not present it shall be selected by the wife,~~) and in case neither husband nor wife nor other person entitled to the exemption shall be present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property.

Sec. 14. Section 252, page 178, Laws of 1854 as last amended by section 341, Code of 1881 and RCW 6.16.070 are each amended to read as follows:

All real and personal estate belonging to any married (~~woman~~) person at the time of his or her marriage, and all which he or she may have acquired subsequently to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real estate, shall be exempt from attachment and execution upon any liability or judgment against the (~~husband~~) other spouse, so long as he or she or any minor heir of his or her body shall be living: PROVIDED, That (~~her~~) the separate property of each spouse shall be liable for debts owing by him or her at the time of (~~her~~) marriage.

Sec. 15. Section 346, page 88, Laws of 1869 as last amended by section 349, Code of 1881 and RCW 6.16.090 are each amended to read as follows:

As used in this section the masculine shall apply also to the feminine.

When a debtor claims personal property as exempt he shall deliver to the officer making the levy an itemized list of all the personal property owned or claimed by him, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. He shall also deliver to such officer a list by separate items of the property he claims as exempt. ((If the husband be absent or incapable of acting the claim may be made, the list delivered and verified by the wife.)) If the creditor, his agent or attorney demand an appraisal thereof, two disinterested householders of the neighborhood shall be chosen, one by the debtor and the other by the creditor, his agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fail to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the officer shall appoint one. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or other process and be by him annexed to and made part of his return and the property therein specified shall be exempt from levy and sale, and the other personal estate of the debtor shall remain subject thereto. In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers shall each be entitled to one dollar, to be paid by the creditor, if all the property claimed by the debtor shall be exempt; otherwise to be paid by the debtor.

Sec. 16. Section 2, page 39, Laws of 1886 as amended by section 1, chapter 159, Laws of 1923 and RCW 7.12.020 are each amended to read as follows:

The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either:

- (1) That the defendant is a foreign corporation; or
- (2) That the defendant is not a resident of this state; or

(3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

(4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or

(5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or

(6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or

(7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

(8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

(9) That the damages for which the action is brought are for injuries arising from the commission of some felony ((7 or for the seduction of some female)); or

(10) That the object for which the action is brought is to recover on a contract, express or implied.

Sec. 17. Section 456, page 214, Laws of 1854 as last amended by section 688, Code of 1881 and RCW 7.36.020 are each amended to read as follows:

Writs of habeas corpus shall be granted in favor of parents, guardians, ((masters and husbands)) spouses, and next of kin, and to enforce the rights, and for the protection of infants and insane persons; and the proceedings shall in all cases conform to the provisions of this chapter.

Sec. 18. Section 13, page 81, Laws of 1875 as amended by section 1247, Code of 1881 and RCW 7.48.240 are each amended to read as follows:

Houses of ill fame, kept for the purpose, ((in which are embraced all squaw dance houses, or squaw brothels, otherwise called mad houses, all houses, rooms, saloons, booths, scows, boats, or other structures used as a place of resort,)) where ((women)) persons are employed ((to draw custom, dance, or)) for purposes of prostitution; all public houses or places of resort where gambling is carried on, or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, gambling, fighting or breaches of the peace are carried on, or permitted; all opium dens, or houses, or places of resort where opium smoking is permitted, are nuisances, and may be abated, and the owners, keepers, or persons in charge thereof, and persons carrying

on such unlawful business shall be punished as provided in this chapter.

Sec. 19. Section 38, page 108, Laws of 1854 as last amended by section 1931, Code of 1881 and RCW 10.16.150 are each amended to read as follows:

When any ((~~married woman or a~~) minor is a material witness, any other person may be allowed to recognize for the appearance of such witness, or the magistrate may, in his discretion, take the recognizance of such ((~~married woman or~~) minor in a sum not exceeding fifty dollars which shall be valid and binding in law, notwithstanding the disability of ((~~coverture or~~) minority.

Sec. 20. Section 15.24.086, chapter 11, Laws of 1961 and RCW 15.24.086 are each amended to read as follows:

All such printing contracts provided for in this section and RCW 15.24.085 shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale ((~~for women and minors~~)), and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof.

Sec. 21. Section 2, chapter 281, Laws of 1927 as last amended by section 1, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.010 are each amended to read as follows:

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

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

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

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

(4) "Beauty culturist" means any person, firm, or corporation

who engages in the practice of beauty culture;

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

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

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

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

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

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

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

(12) "Committee" means the beauty culture examining committee;

(13) "Board" means the hearing board.

Sec. 22. Section 2, chapter 162, Laws of 1927 and RCW 19.72.030 are each amended to read as follows:

Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless ((his wife join with him)) the other spouse joins in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge, or justice of the peace, as the case may be, on justification, may allow more than two sureties to

justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties.

Sec. 23. Section 34, chapter 53, Laws of 1965 and RCW 23A.08.310 are each amended to read as follows:

Certificates of stock and the shares represented thereby standing in the name of a married ((woman)) person may be transferred by ((her, her)) such person, such person's agent or attorney, without the signature of ((her husband, in the same manner as if such married woman were a femme sole)) such person's spouse. All dividends payable upon any shares of a corporation standing in the name of a married ((woman)) person, shall be paid to such married ((woman, her)) person, such person's agent or attorney, in the same manner as if ((she)) such person were unmarried, and it shall not be necessary for ((her husband)) the other spouse to join in a receipt therefor; and any proxy or power given by a married ((woman)) person, touching any shares of any corporation standing in ((her)) such person's name, shall be valid and binding without the signature of ((her husband, the same as if she were unmarried)) the other spouse.

Sec. 24. Section 25.04.070, chapter 15, Laws of 1955 and RCW 25.04.070 are each amended to read as follows:

In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by RCW 25.04.160 persons who are not partners as to each other, are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payments:

(a) As a debt by installments or otherwise,
 (b) As wages of an employee or rent to a landlord,
 (c) As an annuity to a ((widow)) surviving spouse or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good will of a business or other property by installments or otherwise.

Sec. 25. Section 25.04.250, chapter 15, Laws of 1955 and RCW

25.04.250 are each amended to read as follows:

(1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt, the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner, his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to ~~((widows))~~ a surviving spouse, heirs, or next of kin.

Sec. 26. Sections 1 and 5, page 404, Laws of 1854 as last amended by section 2, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.010 are each amended to read as follows:

Marriage is a civil contract which may be entered into by persons of the age of eighteen years, who are otherwise capable: PROVIDED, That every marriage entered into in which either party shall not have attained the age of seventeen years shall be void except where this section has been waived by a superior court judge of the county in which ~~((the female))~~ one of the parties resides on a showing of necessity.

Sec. 27. Section 1, chapter 174, Laws of 1909 as last amended by section 1, chapter 149, Laws of 1959 and RCW 26.04.030 are each amended to read as follows:

~~((No woman under the age of forty-five years, or man of any age, except he marry a woman over the age of forty-five years, either of whom))~~ No marriage shall take place between two persons in which one or both, is a common drunkard, habitual criminal, imbecile,

feeble-minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or who is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state unless it is established that procreation is not possible by the couple intending to marry.

Sec. 28. Section 2, chapter 174, Laws of 1909 as last amended by section 2, chapter 149, Laws of 1959 and RCW 26.04.040 are each amended to read as follows:

No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter knowingly perform a marriage ceremony uniting persons in matrimony either of whom is an imbecile, feeble-minded person, common drunkard, idiot, insane person, or person who has theretofore been afflicted with hereditary insanity, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless ((the female party to such marriage is over the age of forty-five years)) it is established that procreation is not possible by the couple intending to marry.

Sec. 29. Sections 13 and 14, page 83, Laws of 1866 as last amended by section 5, chapter 17, Laws of 1970 ex. sess. and RCW 26.04.210 are each amended to read as follows:

The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: PROVIDED, That in addition, the affidavits of ((the male)) both applicants they are for such marriage license shall show that ((such male is)) they are not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the applicants are the age of eighteen years or over: PROVIDED, FURTHER, That if the consent in writing is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Sec. 30. Section 2, chapter 215, Laws of 1949 as amended by

section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26.08.020 are each amended to read as follows:

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

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

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

(3) Impotency.

(4) Abandonment for one year.

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

(6) Habitual drunkenness of either party.

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

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

~~((9)))~~ (8) A divorce may be granted to either or both parties in all cases where they have heretofore lived or shall hereafter live separate and apart for a period of two consecutive years or more, without regard to fault in the separation.

~~((10)))~~ (9) In all cases where the defendant, at the time of commencement of the action, is suffering from chronic mania or dementia, established by competent medical testimony to have existed for at least two years prior to the filing of the complaint, such insanity shall be the sole and exclusive ground upon which the court may, in its discretion, grant a divorce.

Sec. 31. Section 9, chapter 215, Laws of 1949 as amended by section 70, chapter 81, Laws of 1971 and RCW 26.08.090 are each amended to read as follows:

Pending an action for divorce or annulment the court may make, and by attachment enforce, such orders for the disposition of the persons, property and children of the parties as the court may deem right and proper, and such orders relative to the expenses of such action, including attorneys' fees, as will insure to the ~~((wife))~~ parties an efficient preparation of ~~((her))~~ their case and a fair and impartial trial thereof. Upon the entry of judgment in the superior court, reasonable attorneys' fees may be awarded either party, in addition to statutory costs. Upon any appeal, the supreme court or the court of appeals may in its discretion award reasonable attorneys' fees to either party for services on the appeal, in

addition to statutory costs.

Sec. 32. Section 12, chapter 215, Laws of 1949 and RCW 26.08.120 are each amended to read as follows:

If the court determines after trial that no divorce or annulment shall be granted, it may enter a decree of separate maintenance in favor of the party entitled thereto, and make all necessary orders required for support, attorneys' fees, costs, and for the care, custody, support, and education of minor children; and may set aside property for the benefit of ((the wife)) either of the spouses and children, if any, and impose a lien on community property to compel obedience to the decree. Such decree may be modified, altered or revised by the court from time to time on a showing that the conditions rendering it necessary have changed or no longer exist. Such final order or decree of separate maintenance shall be appealable.

Sec. 33. Section 13, chapter 215, Laws of 1949 and RCW 26.08.130 are each amended to read as follows:

In all actions for a divorce or annulment, the court may, for just and reasonable cause, change the name of ((the woman)) a party, who shall thereafter be known and called by such name as the court shall in its order or decree appoint.

Sec. 34. Section 1, chapter 28, Laws of 1913 as last amended by section 2, chapter 207, Laws of 1969 ex. sess. and RCW 26.20.030 are each amended to read as follows:

(1) Every person who:

(a) Has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it; or

(b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or stepchild or children or stepchildren or ward or wards: PROVIDED, That with regard to stepchildren the obligation shall cease upon termination of the relationship of husband and wife; or

(c) Has sufficient ability to provide for ((his wife's)) support of such person's spouse or is able to earn the means for ((his wife's)) such person's spouse support and wilfully abandons and leaves ((her)) such person's spouse in a destitute condition; or who refuses or neglects to provide ((his wife)) such person's spouse with necessary food, clothing, shelter, or medical attendance, unless ((by her misconduct he is justified in abandoning her)) the abandonment is justified by misconduct of the abandoned spouse, shall be guilty of the crime of family desertion or nonsupport.

(2) When children are involved under the age of sixteen years, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the

county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment.

(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment.

Sec. 35. Section 2, chapter 28, Laws of 1913 as amended by section 1, chapter 297, Laws of 1927 and RCW 26.20.050 are each amended to read as follows:

In any case enumerated in RCW 26.20.030 as now or hereafter amended, the court may render one of the following orders:

(1) Should a fine be imposed it may be directed by the court to be paid in whole or in part to ~~((the wife))~~ the appropriate spouse, or to the guardian, or to the custodian of the child or children, or to an individual appointed by the court as trustee.

(2) The court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power, either before or after trial, conviction, or sentence, to make an order, with the consent of the defendant, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct, to the ~~((wife))~~ spouse or to the guardian, or custodian of the minor child or children, or to an individual appointed by the court, and to release the defendant from custody or probation during such time as the court may direct, upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance to be such that if the defendant shall make his or her appearance in court whenever ordered to do so, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect.

If the court be satisfied that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, information or complaint, or sentence, or under the original conviction, or enforce the original sentence as the case may be, in addition to declaring a forfeiture of the defendant's recognizance. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the ~~((wife))~~ spouse or to the guardian or custodian of the minor child or children upon such terms or conditions as may to the court be just and proper.

(3) Where conviction is had and sentence to imprisonment in the county jail is imposed, the court may direct that the person so

convicted shall be compelled to work upon the public roads or highways or any other public work, in the county where such conviction is had, during the time of such sentence. And it shall be the duty of the ((beard of county commissioners)) legislative authority of the county where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment, out of the current fund, to the ((wife)) spouse, or to the guardian, or the custodian of the child or children, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such ((wife)) spouse, child, or children, ward or wards, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

(4) Whenever, during the pendency of such proceedings, it shall appear to the court that any moneys are due the defendant from any person, firm, or corporation, or that any person, firm, or corporation has funds or property of the defendant in his or its possession, the court may, upon application of the prosecuting attorney, enter an order requiring such person, firm, or corporation, to appear and answer, under oath, as to such moneys or property and if it appear at such hearing that such moneys or property should be applied to the support of said defendant's family, the court may enter judgment against the said person, firm, or corporation for the amount he or it was indebted to said defendant at the time of service of said order. If it appears that said person, firm, or corporation is not indebted to the defendant but at the time of service of said order upon it or at the time of judgment he or it has or had personal effects of the defendant in his or its possession, the court may make an order requiring said person, firm, or corporation to deliver up to the sheriff or director of public safety on demand such personal property or effects or so much as may be required for the support of the defendant's said family or dependents and said property and effects shall thereupon be sold by the sheriff or director of public safety as other chattels on execution and the proceeds of said sale applied to the support of the said dependents of said defendant. The provisions of this subdivision shall be ancillary to and may be invoked in addition to the remedies provided in subdivisions (1), (2) and (3) of this section.

Sec. 36. Section 3, chapter 28, Laws of 1913 and RCW 26.20.080 are each amended to read as follows:

Proof of the abandonment or nonsupport of a ((wife)) spouse, or the desertion of a child or children, ward or wards, or the omission to furnish necessary food, clothing, shelter, or medical attendance for a child or children, ward or wards, is prima facie evidence that such abandonment or nonsupport, or omission to furnish

food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 as now or hereafter amended are applicable whether the parents of such child or children are married or divorced and regardless of any decree made in said divorce action relative to alimony or to the support of the ((wife)) spouse or child or children.

V— Sec. 37. Section 19, chapter 203, Laws of 1919 and RCW 26.24.190 are each amended to read as follows:

((If the mother be a suitable person she shall be awarded the custody and control of said child)) Custody shall be granted to whichever parent is best able to serve the welfare and best interests of the child; if ((she be not)) neither is a suitable person, the court may deliver the care and custody of said child to any reputable person, ((including the accused)) charitable or state institution. Such order and judgment may further provide, in the discretion of the court, that the surname of the accused shall henceforth be the lawful surname of such child.

Sec. 38. Section 2, page 407, Laws of 1854 as last amended by section 2364, Code of 1881 and RCW 26.28.020 are each amended to read as follows:

All ((females)) minor persons married to a person of full age shall be deemed and taken to be of full age.

Sec. 39. Section 195, chapter 249, Laws of 1909 and RCW 26.28.060 are each amended to read as follows:

Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any ((male child under the age of fourteen years or any female)) child under the age of ((sixteen)) fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor.

7— Sec. 40. Section 3, chapter 291, Laws of 1955 and RCW 26.32.030 are each amended to read as follows:

Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother, if living, and his father, if living, if the

father's identity has been adjudicated by the court, except as hereinafter provided;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Sec. 41. Section 4, chapter 291, Laws of 1955 and RCW 26.32.040 are each amended to read as follows:

No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a father of an illegitimate child unless he has been adjudicated as the father by the court.

Sec. 42. Section 5, chapter 291, Laws of 1955 and RCW 26.32.050 are each amended to read as follows:

If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW

v- 26.32.040 as now or hereafter amended to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption: PROVIDED, That the father of an illegitimate child shall not be entitled to notice of such hearing unless he has been adjudicated as father by the court.

Sec. 43. Section 8, chapter 291, Laws of 1955 and RCW 26.32.080 are each amended to read as follows:

(1) The court shall direct notice of any hearing under RCW 26.32.050 as now or hereafter amended to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: PROVIDED, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived, and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) If the court is satisfied of the illegitimacy of the child to be adopted, ((and so finds,)) no notice to the father of such

child shall be made unless the court has adjudicated the father's parenthood.

(6) A notice in substantially following form will be deemed sufficient:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF.....

In the Matter of the Adoption of) No.....

Jane Doe) Notice

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on theday of....., 19....., at the hour of 9:30 a.m., at the courtroom of said superior court, at....., or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable....., Judge of said Superior court, and the seal of said court hereunto affixed this.....day of....., 19....

.....
Clerk

(SEAL)

.....
Deputy Clerk

Sec. 44. Section 2, chapter 49, Laws of 1903 and RCW 26.37.020 are each amended to read as follows:

Upon complaint of any person in writing other than an officer or agent of such society or corporation to any judge of the superior court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead, or has abandoned his family or is an habitual drunkard or is a man of notoriously bad character, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard, or imprisoned for crime, ((or an inmate of a house of ill fame,)) or a woman of notoriously bad character or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and care for or dispose of it as such judge shall direct, until a hearing can be had,

such proceedings shall have precedence of other causes, of which hearing not less than five days notice shall be given to such parents, guardian or next of kin and such judge shall hear the allegations of the complaint and all testimony offered for or against the same and determine whether in his judgment there is cause for a change in the care and custody of such child. If the judge shall decide to change the care and custody of such child, he may commit the child to the care and custody of any such benevolent society contemplated in this chapter which is willing to receive it, and such commitment shall carry with it the same powers and authority as above provided in case of voluntary surrender, or he may enter such findings and transmit the papers and a transcript of his proceedings to the county commissioners of the county in which the case arises and surrender such child to the care and custody of such commissioners and it may be disposed of without further notice to the parents, guardian or next of kin.

Sec. 45. Section 28A.34.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.050 are each amended to read as follows:

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)) parents, 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.

Sec. 46. Section 28A.60.210, chapter 223, Laws of 1969 ex. sess. as amended by section 37, chapter 48, Laws of 1971 and RCW 28A.60.210 are each amended to read as follows:

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; and the intermediate school district superintendent; 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.

Sec. 47. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. and RCW 28B.30.150 are each amended to read as follows:

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 proscribed 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.

Sec. 48. Section 30.08.150, chapter 33, Laws of 1955 and RCW 30.08.150 are each amended to read as follows:

Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

(1) To execute all the powers and possess all the privileges conferred on banks.

(2) To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

(3) To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

(4) To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual, firm, association or partnership, and to accept and execute any municipal or corporate trust.

(5) To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

(6) To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same.

(7) To accept trusts from and execute trusts for married ((women)) persons in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto.

(8) To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

(9) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person and to be appointed and to act as guardian of the estate of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: PROVIDED, HOWEVER, That the power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state.

(10) To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted

or committed to it by grant, assignment, transfer, devise, bequest or by any other authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate, real or personal, which may be the subject of any such trust or power.

(11) Generally to execute trusts of every description not inconsistent with law.

(12) To purchase, invest in and sell promissory notes, bills of exchange, bonds, debentures and mortgages and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: PROVIDED, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: AND PROVIDED, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: AND PROVIDED FURTHER, That if for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond.

Sec. 49. Section 30.20.030, chapter 33, Laws of 1955 and RCW 30.20.030 are each amended to read as follows:

When any deposit has been or shall hereafter be made in any bank or trust company in his or her own name, by any minor, married ((woman)) person or person under disability, such corporation may disregard such disability and pay such money or a check or order of such person, the same as in other cases.

Sec. 50. Section 43, chapter 235, Laws of 1945 and RCW 33.20.050 are each amended to read as follows:

Married ((women)) persons may become members of an association and all contracts entered into between a married ((woman)) person and an association, with respect to ((her)) such person's membership or ((her)) such person's savings therein, shall be valid and enforceable and, unless notice shall be given to the association that the same are community funds, all savings accounts of a married ((woman)) person shall be held for the exclusive right and benefit of such married ((woman)) person and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to such member, and ((her)) such person's receipt or acquittance shall be a valid discharge of the obligation.

Sec. 51. Section 35.24.370, chapter 7, Laws of 1965 as amended by section 61, chapter 292, Laws of 1971 ex. sess. and RCW

35.24.370 are each amended to read as follows:

A third class city may impose upon and collect from every ((male)) inhabitant of the city over the age of eighteen years an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the city.

Sec. 52. Section 35.27.500, chapter 7, Laws of 1965 as amended by section 62, chapter 292, Laws of 1971 ex. sess. and RCW 35.27.500 are each amended to read as follows:

A town may impose upon and collect from every ((male)) inhabitant of the town over eighteen years of age an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the town.

Sec. 53. Section 35.66.050, chapter 7, Laws of 1965 and RCW 35.66.050 are each amended to read as follows:

For the purpose of effecting the main object of this chapter, no ((female)) member of one sex under arrest shall be confined in the same cell or apartment of the city jail or prison, with any ((man)) member of the other sex whatever.

Sec. 54. Section 36.28.100, chapter 4, Laws of 1963 and RCW 36.28.100 are each amended to read as follows:

The sheriff or director of public safety shall employ all ((male)) able bodied persons sentenced to imprisonment in the county jail in such manner and at such places within the county as may be directed by the ((board of county commissioners)) legislative authority of the county.

Sec. 55. Section 2, chapter 130, Laws of 1943 as amended by section 1, chapter 74, Laws of 1963 and RCW 38.04.030 are each amended to read as follows:

The militia of the state of Washington shall consist of all able bodied ((male)) citizens of the United States and all other able bodied ((males)) persons who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age, and shall include all ((females)) persons who are members of the national guard, and said militia shall be divided into two classes, the organized militia and the unorganized militia.

Sec. 56. Section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 149, Laws of 1963 and RCW 38.20.010 are each amended to read as follows:

State owned armories may be used for strictly military purposes: PROVIDED, That one room may be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room

and the use thereof at all times: PROVIDED, FURTHER, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the adjutant general may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: PROVIDED, ALSO, The adjutant general may, during an emergency, permit transient lodging of service ((men)) personnel in armories: PROVIDED FURTHER, That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the adjutant general: PROVIDED, ALSO, That state owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department: PROVIDED, HOWEVER, That children attending primary and high schools shall have a preferential right to use said armories. The adjutant general shall cause to be prepared a schedule of rental charges for each state owned armory which may not be waived except for activities of units of the organized militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the organized militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the state military department shall pay, or cause to be paid, expenses incident to such use or maintenance and operation of armories.

Sec. 57. Section 4, chapter 108, Laws of 1895 as amended by section 4, chapter 134, Laws of 1909 and RCW 38.44.010 are each amended to read as follows:

Whenever the commander-in-chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, he may order an enrollment by counties of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the commander-in-chief. In each county the enrollment shall include every sane able bodied ((male)) inhabitant not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by

the enrolling officer, who shall immediately thereupon file one copy with the adjutant general of the state and another with the county auditor, retaining the third copy for himself.

Sec. 58. Section 4, chapter 178, Laws of 1951 as amended by section 3, chapter 203, Laws of 1967 and RCW 38.52.030 are each amended to read as follows:

(1) There is hereby created within the executive branch of the state government a department of ~~((civil defense hereinafter called the civil defense agency))~~ emergency services and a director of ~~((civil defense))~~ emergency services (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; ~~((he))~~ the director shall not hold any other state office; ~~((he))~~ the director shall hold office during the pleasure of the governor, and shall be compensated at the rate established by the governor's advisory committee on salaries and wages.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available ~~((to him))~~ for purposes of ~~((civil defense))~~ emergency services, as may be necessary to carry out the purposes of this chapter.

(3) The director and other personnel of the ~~((civil defense agency))~~ department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the ~~((civil defense agency))~~ department and shall be responsible to the governor for carrying out the program for ~~((civil defense))~~ emergency services of this state. ~~((He))~~ The director shall coordinate the activities of all organizations for ~~((civil defense))~~ emergency services within the state, and shall maintain liaison with and cooperate with ~~((civil defense))~~ emergency services agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(5) The director shall appoint a communications coordinating committee consisting of six ~~((men))~~ persons with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work within the state of Washington at the time of appointment.

This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of ((civil defense)) emergency services, except supplemental emergency communications facilities under the direction of any local organization for ((civil defense)) emergency services.

(6) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations.

Sec. 59. Section 14, chapter 223, Laws of 1953 and RCW 38.52.300 are each amended to read as follows:

If the injury to ((a civil defense)) an emergency services worker is due to the negligence or wrong of another not on ((civil defense)) emergency services duty, the injured worker, or if death results from the injury, ((his widow)) the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if ((he)) the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department of ((civil defense)) emergency services; if the other choice is made, the compensation under this chapter shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this chapter: PROVIDED, That the department of ((civil defense)) emergency services shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

Sec. 60. Section 5, chapter 31, Laws of 1935 and RCW 41.08.040 are each amended to read as follows:

Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its

direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only

must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that ((men)) persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the

appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter.

Sec. 61. Section 1, chapter 91, Laws of 1947 and RCW 41.16.010 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Board" shall mean the municipal firemen's pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fireman" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and shall include any "prior fireman".

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(8) "Fund" shall mean the firemen's pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing firemen.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firemen and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior fireman" shall mean a fireman who was actively employed as a fireman of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired fireman" shall mean and include a person employed as a fireman and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired fireman who was retired on account of length of service and who was lawfully married to such fireman; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired fireman who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall not mean or include a surviving wife or husband who by process of law within one year prior to the retired fireman's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children.

Sec. 62. Section 4, chapter 82, Laws of 1957 as amended by section 4, chapter 5, Laws of 1959 and RCW 41.16.100 are each amended to read as follows:

The widow or widower, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars.

Sec. 63. Section 6, chapter 82, Laws of 1957 as amended by section 6, chapter 5, Laws of 1959 and RCW 41.16.120 are each amended to read as follows:

Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children.

Sec. 64. Section 8, chapter 82, Laws of 1957 as amended by section 8, chapter 5, Laws of 1959 and RCW 41.16.140 are each amended to read as follows:

Any fireman who has served more than fifteen years and

sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such fireman shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

Sec. 65. Section 9, chapter 82, Laws of 1957 as amended by section 9, chapter 5, Laws of 1959 and RCW 41.16.150 are each amended to read as follows:

(1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his or her lifetime.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest.

Sec. 66. Section 10, chapter 82, Laws of 1957 as amended by section 10, chapter 5, Laws of 1959 and RCW 41.16.160 are each

amended to read as follows:

Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

Sec. 67. Section 11, chapter 82, Laws of 1957 as amended by section 11, chapter 5, Laws of 1959 and RCW 41.16.170 are each amended to read as follows:

Whenever a fireman dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary.

Sec. 68. Section 12, chapter 91, Laws of 1947 and RCW 41.16.230 are each amended to read as follows:

Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any "prior fireman", his widow, her widower, child or children, any fireman eligible for retirement but not retired, his widow her widower, child or children, or the rights of any retired fireman, his widow, her widower, child or children, to receive payments and benefits from the firemen's pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed.

Sec. 69. Section 1, chapter 382, Laws of 1955 as last amended by section 40, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.010 are each amended to read as follows:

For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this

chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving ((wife)) spouse of a fireman and shall include the surviving wife or husband of a fireman, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a fireman, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be

allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty.

Sec. 70. Section 4, chapter 382, Laws of 1955 as last amended by section 29, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.040 are each amended to read as follows:

Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his or her retirement: PROVIDED, That a fireman 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 the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired fireman would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed

to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 71. Section 25, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.045 are each amended to read as follows:

Upon the death of a fireman who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death.

Sec. 72. Section 9, chapter 382, Laws of 1955 as last amended by section 1, chapter 109, Laws of 1965 and RCW 41.18.080 are each amended to read as follows:

Any fireman who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his or her duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall

die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased fireman, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-third of the deceased fireman's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children.

Sec. 73. Section 8, chapter 382, Laws of 1955 as last amended by section 28, chapter 209, Laws of 1969 ex. sess. and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each

succeeding year.

Sec. 74. Section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 86, Laws of 1965 and RCW 41.24.160 are each amended to read as follows:

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred dollars per month to his widow or her widower during his or her life together with the additional monthly sums of twenty-five dollars for the youngest or only child and twenty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of two hundred dollars per month: PROVIDED, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred dollars per month shall be paid for the youngest or only child together with an additional twenty dollars per month for each additional of such children to a maximum of two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: PROVIDED, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid

the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

Sec. 75. Section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180 are each amended to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself: PROVIDED, HOWEVER, That this provision shall not be construed as depriving any active fireman from completing the requisite number of years of active service after attaining the age of sixty-five years as may be necessary to entitle him or her to the pension as herein provided.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by

himself or herself.

Sec. 76. Section 52, chapter 80, Laws of 1947 as last amended by section 7, chapter 50, Laws of 1967 and RCW 41.32.520 are each amended to read as follows:

Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established five or more years of Washington membership service credit, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or ((dependent)) widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) If the member was eligible for retirement the beneficiary, if the surviving spouse or a dependent, may elect to receive a retirement allowance under Option 2. This election shall also be available to the spouse or a dependent of a member who has died while eligible for retirement during the period July 1, 1947, to June 30, 1955, inclusive, upon the repayment to the teachers' retirement fund of the refunded contributions. No benefits may be paid for any months prior to July 1, 1955.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or ((dependent)) widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary.

Sec. 77. Section 2, chapter 183, Laws of 1957 and RCW

41.33.020 are each amended to read as follows:

The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the teachers' retirement system and the members of the teachers' retirement system, after the approval of this plan by the legislature, and by the eligible employees through a referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this section.

"Political subdivision" means any political subdivision, or instrumentality of one or more subdivisions, or proprietary enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the teachers' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the teachers' retirement system and is employed by a political subdivision.

"Wages" shall have the meaning given in RCW 41.48.020 (1) and section 209 of the social security act (42 U.S.C.A. Sec. 409).

"State" where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of 1955 extraordinary session.

(4) The rights and benefits accruing to employees from membership in the teachers' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder, other than the elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947 and RCW 41.32.520 as each are amended, with the exception of that part of (1) which permits a widow or ((dependent)) widower without a child or children under age eighteen to receive a monthly payment of fifty dollars at age fifty, provided that the member had fifteen or more years of Washington membership service credit at date of death.

(5) There shall be no additional cost to or involvement of the state or a political subdivision with respect to OASI coverage of members of the teachers' retirement system until this plan has been approved by the legislature.

(6) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(7) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(8) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(9) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter

remit its share of the cost to the state for deposit in the general fund of the state.

(10) Each political subdivision shall submit to the state, through the employment security department, P. O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

- A. The social security account number of each employee;
- B. the name of each employee;
- C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;
- D. the total amount of wages subject to contributions paid to all employees during the quarter;
- E. the total amount of employee contributions withheld and remitted for the quarter; and
- F. the total amount of employer contributions paid by the subdivision for the quarter.

(11) Each political subdivision shall furnish in the same manner as provided in subsection (10), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (10) or this subsection in order to assure the correctness and verification thereof.

(12) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(13) The legislature shall designate the first day of any month beginning with January, 1956, as the effective date of OASI coverage for such employees, except that after January 1, 1958, the effective date may not be prior to the first day of the current year.

The employer's contribution for any retroactive coverage shall be transferred by the board of trustees from the teachers' retirement

pension reserve fund to the official designated by the governor to administer the plan at the state level.

Each employee's contributions for any retroactive coverage shall be transferred by the board of trustees from his accumulated contributions in the teachers' retirement fund, to the official designated above. Each employee, if he so desires, may, within one year from the date of transfer, reimburse his accumulated contributions for the amount so transferred.

(14) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor.

Sec. 78. Section 17, chapter 71, Laws of 1947 as last amended by section 7, chapter 99, Laws of 1965 ex. sess. and RCW 41.44.170 are each amended to read as follows:

On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member

shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board. In the alternative, if there be a surviving ((widow)) spouse, or if no surviving ((widow)) spouse, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such ((widow)) spouse, or if there be no such ((widow)) spouse, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid to such ((widow)) spouse during his or her lifetime, or, if there be no such ((widow)) spouse, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such ((widow)) spouse or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions.

Sec. 79. Section 21, chapter 71, Laws of 1947 as last amended by section 10, chapter 227, Laws of 1961 and RCW 41.44.210 are each amended to read as follows:

Upon the death of any member who dies from injuries or disease

arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to ~~((his widow))~~ the surviving spouse during ~~((her))~~ such spouse's lifetime, or if there be no ~~((widow))~~ surviving spouse, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such ~~((widow))~~ spouse, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter.

Sec. 80. Section 43.22.160, chapter 8, Laws of 1965 and RCW 43.22.160 are each amended to read as follows:

Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that ~~((he))~~ the applicant has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that ~~((he))~~ the applicant has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. ~~((He))~~ The applicant shall also furnish an affidavit from two citizens of the state that ~~((he is a man))~~ the applicant is a person of good repute, temperate habits, in good physical condition, and above thirty years of age.

Sec. 81. Section 43.22.170, chapter 8, Laws of 1965 and RCW 43.22.170 are each amended to read as follows:

At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a ~~((man))~~ person who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this

act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors ((men)) persons who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306].

Sec. 82. Section 43.22.260, chapter 8, Laws of 1965 and RCW 43.22.260 are each amended to read as follows:

The director of labor and industries shall appoint and depute an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as the industrial statistician, ((and a female assistant to be known as the supervisor of women in industry)) and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division.

Sec. 83. Section 43.22.270, chapter 8, Laws of 1965 and RCW 43.22.270 are each amended to read as follows:

The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be

performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To ~~((7 with the assistance of the supervisor of women in industry))~~ supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of ~~((women and))~~ minors;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law.

Sec. 84. Section 43.22.280, chapter 8, Laws of 1965 and RCW 43.22.280 are each amended to read as follows:

The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, and the industrial statistician~~((7 and the supervisor of women in industry))~~ shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of women in industry shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law.

Sec. 85. Section 43.51.570, chapter 8, Laws of 1965 and RCW 43.51.570 are each amended to read as follows:

The commission may, by agreement with an individual or company enroll and supervise additional young ~~((men))~~ persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use.

Sec. 86. Section 43.78.150, chapter 8, Laws of 1965 and RCW 43.78.150 are each amended to read as follows:

All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale ((for women and minors)), and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof.

Sec. 87. Section 46.20.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 71, Laws of 1972 ex. sess. and RCW 46.20.100 are each amended to read as follows:

The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant ((if the father is living and has custody of the applicant)), otherwise by the ((mother)) parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: PROVIDED, HOWEVER, That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction.

Sec. 88. Section 29, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 167, Laws of 1967 and RCW 46.20.322 are each amended to read as follows:

(1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father ((if the father is living and has custody)) or mother, otherwise the ((mother)) parent or guardian having custody of the minor.

Sec. 89. Section 1, chapter 194, Laws of 1941 as amended by section 1, chapter 144, Laws of 1965 and RCW 49.24.080 are each amended to read as follows:

Every person, firm or corporation constructing, building or operating a tunnel, quarry, caisson or subway, excepting in connection with mines, with or without compressed air, shall in the employment of any labor comply with the following safety provisions:

(1) A safety miner shall be selected by the crew on each shift who shall check the conditions necessary to make the working place safe; such as loose rock, faulty timbers, poor rails, lights, ladders, scaffolds, fan pipes and firing lines.

(2) Ventilating fans shall be installed from twenty-five to one hundred feet outside the portal.

(3) No employee shall be allowed to "bar down" without the assistance of another employee.

(4) No employee shall be permitted to return to the heading until at least thirty minutes after blasting.

(5) Whenever persons are employed in wet places, the employer shall furnish such persons with rubbers, boots, coats and hats. All boots if worn previously by an employee shall be sterilized before being furnished to another: PROVIDED, That RCW 49.24.080 through 49.24.380 shall not apply to the operation of a railroad except that new construction of tunnels, caissons or subways in connection therewith shall be subject to the provisions of RCW 49.24.080 through 49.24.380: PROVIDED, FURTHER, That in the event of repair work being done in a railroad tunnel, no ((men)) person shall be compelled to perform labor until the air has been cleared of smoke, gas and fumes.

Sec. 90. Section 4, chapter 194, Laws of 1941 and RCW 49.24.110 are each amended to read as follows:

Exhaust valves shall be provided, having risers extending to the upper part of chamber, if necessary, and shall be operated at such times as may be required and especially after a blast, and ((men)) persons shall not be required to resume work after a blast

until the gas and smoke have cleared, for at least thirty minutes.

Sec. 91. Section 51.08.020, chapter 23, Laws of 1961 and RCW 51.08.020 are each amended to read as follows:

"Beneficiary" means a husband, wife, child, or dependent of a workman in whom shall vest a right to receive payment under this title: PROVIDED, That a husband or wife of an injured workman, living separate and apart in a state of abandonment, regardless of the party responsible therefor, for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A ((wife)) spouse who has lived separate and apart from ((her husband)) the other spouse for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for ((her)) maintenance, shall be deemed living in a state of abandonment.

Sec. 92. Section 51.12.080, chapter 23, Laws of 1961 as amended by section 9, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.080 are each amended to read as follows:

Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this title railroad construction work, or the employees engaged thereon: PROVIDED, That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employee, to ((his)) the surviving ((wife)) spouse and child, or children, and if no surviving ((wife)) spouse or child or children, then to the parents, minor sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: PROVIDED FURTHER, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries

(including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any work of such other enterprise or industry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: PROVIDED FURTHER, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title.

Sec. 93. Section 51.24.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 289, Laws of 1971 ex. sess. and RCW 51.24.010 are each amended to read as follows:

If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, ((his widow)) the surviving spouse, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the department or self-insurer; if the other choice is made, the department or self-insurer shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: PROVIDED, That the injured workman or if death results from ((his)) the injury, ((his widow)) the surviving spouse, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department or self-insurer to the extent of such payments having been made by the department or self-insurer to the injured workman or if death results from ((his)) the injury, ((his widow)) the surviving spouse, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the department or self-insurer may be prosecuted or compromised by the department or self-insurer in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good by the department or self-insurer may be made only with the written approval of the department or self-insurer. If such approval is not obtained, claim for the

deficiency will be deemed to have been waived.

Any third party action brought under this title by such workman or beneficiary must be duly prosecuted; if the action is not filed or settled within one year of the notice of election, the cause of action shall be deemed assigned to the department or self-insurer if after thirty days notice the action is neither filed nor settled. If a cause of action which has been filed is not diligently prosecuted, the department or self-insurer shall have the right to petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon sufficient showing in the court's discretion of a lack of diligent prosecution, such an order shall issue.

In any action brought under this section wherein recovery is made by compromise and settlement or otherwise, the department or self-insurer, to the extent of the benefits paid or payable under this title, shall bear its proportionate share of attorney's fees and costs incurred by the injured workman or ((his widow)) surviving spouse, children, or dependents, as the case may be, and the court shall approve the amount of attorney's fees.

Sec. 94. Section 51.24.020, chapter 23, Laws of 1961 and RCW 51.24.020 are each amended to read as follows:

If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, ((the widow, widower)) surviving spouse, child, or dependent of the workman shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title.

Sec. 95. Section 51.32.040, chapter 23, Laws of 1961 as last amended by section 18, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.040 are each amended to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.20A.090 and 74.20A.100, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: PROVIDED, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to

((his widow, if he leaves a widow, or to his child or children and does not leave a widow)) there is no surviving spouse: PROVIDED FURTHER, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to ((his widow, if he leaves a widow)) the surviving spouse, or to ((his)) the child or children if ((he leaves a child or children and does not leave a widow)) there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured workman resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any ((widow)) surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any workman receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such workman would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if such incarcerated workman has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him for himself and his beneficiaries had he not been so confined. Any lump sum benefits to which the workman would otherwise be entitled but for the provisions of this proviso shall be paid on a monthly basis to his beneficiaries.

Sec. 96. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 19, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed eight hundred dollars shall be paid.

(2) A ((widow or invalid widower)) surviving spouse of a deceased workman shall receive monthly throughout his or her life the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the

deceased workman, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased workman, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars.

Payments to the surviving spouse of the deceased workman shall cease at the end of the month in which remarriage occurs: PROVIDED, That the portion of the monthly payment made for the benefit of the children shall not be affected by such remarriage. In no event shall the monthly payments provided in this subsection exceed seventy-five percent of the average monthly wage in the state as computed under RCW 51.08.018.

In addition to the monthly payments above provided for, a surviving ((widow, or invalid widower)) spouse, or dependent parent or parents, if there is no surviving ((widow or invalid widower)) spouse of any such deceased workman shall be forthwith paid the sum of eight hundred dollars.

Upon remarriage ((of a widow she)) the surviving spouse shall receive, once and for all, a lump sum of seventy-five hundred dollars or fifty percent of the then remaining annuity value of ((her)) the pension, whichever is the lesser, and the monthly payments to such ((widow)) surviving spouse shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If there is a child or children and no ((widow or widower)) surviving spouse of the deceased workman, a sum equal to thirty-five percent of the average monthly wage of the deceased workman shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of his death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the same payment as provided in subsection (3) of this section.

(5) If the workman leaves no ((widow, widower)) surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the

injury, but the total payment to all dependents in any case shall not exceed sixty-five percent of the monthly wages of the deceased workman at the time of ((his) the death or seventy-five percent of the average monthly wage in the state as defined in RCW 51.08.018, whichever is the lesser of the two sums. If any dependent is under the age of eighteen years at the time of the occurrence of the injury; the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-one while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a ((widow, invalid widower)) surviving spouse, or child, or children, the surviving ((widow or invalid widower)) spouse shall receive benefits as if death resulted from the injury as provided in subsections (2) through (5) of this section. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Sec. 97. Section 51.32.070, chapter 23, Laws of 1961, as last amended by section 9, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.070 are each amended to read as follows:

Notwithstanding any other provisions of law, every ((widow or invalid widower)) surviving spouse receiving a pension under this title shall, after July 1, 1971, be paid one hundred eighty-five dollars per month, and every permanently totally disabled workman or temporarily totally disabled workman receiving a pension or compensation for temporary total disability under this title shall, after such date, be paid one hundred eighty-five dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if unmarried at the time ((his) the injury occurred; two hundred fifteen dollars per month, and one hundred fifteen dollars per month additional in cases requiring the services of an attendant, if ((he or she)) the totally disabled workman has an ((wife or)) invalid ((husband)) spouse; and one hundred seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if ((the husband is not)) neither spouse is an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund ((or be charged against any class under the industrial insurance law)).

The director shall pay monthly to every such ((widow, invalid

widower) surviving spouse, and totally disabled workman from the supplemental pension fund such an amount as will, when added to the pensions or temporary total disability compensation they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

Sec. 98. Section 51.32.135, chapter 23, Laws of 1961 and RCW 51.32.135 are each amended to read as follows:

In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: PROVIDED, The director may require the ((wife)) spouse of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim.

Sec. 99. Section 1, chapter 137, Laws of 1957 and RCW 54.36.010 are each amended to read as follows:

As used in this chapter:

"Public utility district" means public utility district or districts or a joint operating agency or agencies.

"Construction project" means the construction of hydroelectric generating facilities by a public utility district. It includes the relocation of highways and railroads, by whomever done, to the extent that it is occasioned by the overflowing of their former locations, or by destruction or burying incident to the construction.

"Base-year enrollment" means the number of pupils enrolled in a school district on the first of May next preceding the date construction was commenced.

"Subsequent-year enrollment" means the number of pupils enrolled in a school district on any first of May after construction was commenced.

"Construction pupils" means pupils ((whose fathers are)) who have a parent who is a full-time employee((s)) on the construction project and who moved into the school district subsequent to the first day of May next preceding the day the construction was commenced.

"Nonconstruction pupils" means other pupils.

Sec. 100. Section 4, page 26, Code 1881, Bagley's Supp. as last amended by section 1, page 124, Laws of 1875 and RCW 67.14.040

are each amended to read as follows:

((Said county commissioners)) The legislative authorities of each county, in their respective counties, shall have the power to grant license to persons to keep drinking houses or saloons therein, at which spirituous, malt, or fermented liquors and wines may be sold ((finj)) in less quantities than one gallon; and such license shall be called a retail license upon the payment, by the person applying for such license, of the sum of three hundred dollars a year into the county treasury, and the execution of a good and sufficient bond, executed to such county in the sum of one thousand dollars, to be approved by such ((county commissioners)) legislative authority or the county auditor of the county in which such license is granted, conditioned that he will keep such drinking saloon or house in a quiet, peaceable, and orderly manner: PROVIDED, The foregoing shall not be so construed as to prevent the ((county commissioners)) legislative authority of any county from granting licenses to drinking saloons or houses therein, when there is but little business doing, for less than three hundred dollars, but in no case for less than one hundred dollars per annum: AND PROVIDED FURTHER, That such license shall be used only in the precinct to which it shall be granted; PROVIDED FURTHER, that no license shall be used in more than one place at the same time. AND FURTHER PROVIDED, That no license shall be granted to any person to retail spirituous liquors until he shall furnish to the ((county commissioners)) legislative authority satisfactory proof that he is a ((man)) person of good moral character.

Sec. 101. Section 72.33.020, chapter 28, Laws of 1959 and RCW 72.33.020 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and

rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in this state by continuously residing within the state for a period of not less than one year before application for admission is made: PROVIDED, That the residence of an unemancipated minor shall be imputed from the residence of the ((father)) the parents if they are living together, or from the residence of the parent with whom the child resides, ((if such minor is a legitimate child, otherwise from the residence of the mother)) and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident.

Sec. 102. Section 72.36.040, chapter 28, Laws of 1959 as amended by section 1, chapter 235, Laws of 1959 and RCW 72.36.040 are each amended to read as follows:

There is hereby established what shall be known as the "Colony of the State Soldiers' Home." All of the following persons who reside within the limits of Orting precinct and have been actual bona fide citizens of this state for a period of three years at the time of their application and who have personal property of less than one thousand dollars and/or a monthly income insufficient to meet their needs as determined by the standards of the county welfare department, may be admitted to membership in said colony under such

rules and regulations as may be adopted by the department.

(1) All honorably discharged soldiers, sailors and marines, who have served the United States government in any of its wars, and members of the state militia disabled while in the line of duty, and their ((wives)) spouses, who were married and living with their ((wives)) spouses for five years prior to application to membership in said colony or who, since said date, have married widows of soldiers or widowers of soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death: PROVIDED, That such soldiers, sailors, and marines and members of the state militia shall, while they are members of said colony, be living with their said ((wives)) spouses.

(2) The ((widows)) spouses of all soldiers who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and the ((widows)) spouses of all soldiers who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to support themselves and families, which ((widows)) spouses have since the death of their said husbands or wives become indigent and unable to earn a support for themselves: PROVIDED, That such ((widows)) spouses are not less than fifty years of age and have not been married since the decease of their said husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto. Any resident of said colony may be admitted to the hospital at the state soldiers' home for temporary care when requiring hospital treatment.

Sec. 103. Section 72.36.050, chapter 28, Laws of 1959 as amended by section 1, chapter 112, Laws of 1967 and RCW 72.36.050 are each amended to read as follows:

The members of the colony established in RCW 72.36.040 as now or hereafter amended shall, to all intents and purposes, be members of the state soldiers' home and subject to all the rules and regulations thereof, except the requirements of fatigue duty, and each member shall, in accordance with rules and regulations adopted by the director, be supplied with medical attendance and supplies from the home dispensary and rations not exceeding thirty dollars per month in value, and clothing not exceeding sixty dollars per year in value for a member and ((his wife)) spouse, and thirty-five dollars per year in value for a ((widow)) spouse admitted under RCW 72.36.040 as now or hereafter amended.

Sec. 104. Section 72.36.080, chapter 28, Laws of 1959 and RCW 72.36.080 are each amended to read as follows:

All of the following persons who have been actual bona fide residents of this state for a period of three years at the time of

their application and who are indigent and unable to earn a support for themselves and families may be admitted to the Washington veterans' home under such rules and regulations as may be adopted by the director:

(1) All honorably discharged veterans of the armed forces of the United States who have served the United States in any of its wars, and members of the state militia disabled while in the line of duty, and the spouses of such veterans, and members of the state militia: PROVIDED, That such spouse was married to and living with such veteran on or before three years prior to the date of application for admittance, or, if married to him or her since that date, was also a member of a soldiers' home or colony in this state or entitled to admission thereto.

(2) The ((widows)) spouses of all soldiers, sailors, and marines and members of the state militia disabled while in the line of duty, who were members of a soldiers' home or colony in this state or entitled to admission thereto at the time of death, and ((widows)) spouses of all such soldiers, sailors, and marines and members of the state militia, who would have been entitled to admission to a soldiers' home or colony in this state at the time of death but for the fact that they were not indigent and unable to earn a support for themselves and families, which ((widows)) spouses have since the death of their husbands or wives, become indigent and unable to earn a support for themselves: PROVIDED, That such ((widows)) spouses are not less than fifty years of age and were married and living with their husbands or wives on or before three years prior to the date of their application, and have not been married since the decease of their husbands or wives to any person not a member of a soldiers' home or colony in this state or entitled to admission thereto.

Sec. 105. Section 72.64.040, chapter 28, Laws of 1959 and RCW 72.64.040 are each amended to read as follows:

Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's ((wife)) spouse, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him.

Sec. 106. Section 1, chapter 14, Laws of 1891 and RCW 73.04.010 are each amended to read as follows:

No judge, or clerk of court, county clerk, county auditor, or any other county officer, shall be allowed to charge any honorably discharged soldier or seaman, or the ((widow)) spouse, orphan, or

legal representative thereof, any fee for administering any oath, or giving any official certificate for the procuring of any pension, bounty, or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent, nor any fee for services rendered in perfecting any voucher.

Sec. 107. Section 1, chapter 84, Laws of 1895 as last amended by section 1, chapter 29, Laws of 1951 and RCW 73.16.010 are each amended to read as follows:

In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their ((widows)) spouses, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved.

Sec. 108. Section 1, chapter 180, Laws of 1949 as amended by section 1, chapter 13, Laws of 1950 ex. sess. and RCW 73.32.020 are each amended to read as follows:

There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the seventh day of December, 1941, and the second day of September, 1945, who at the time of his or her entry upon active federal service and for a period of one year prior thereto was a bona fide citizen or resident of the state of Washington, or who was a member of one of the regular military services on December 7, 1941, and on that date and for one year prior thereto was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of ten dollars for each and every month or major fraction thereof of such duty performed within the continental limits of the United States, and fifteen dollars for each and every month or major fraction thereof of such duty performed outside the continental limits of the United States: PROVIDED, That persons who have already received extra compensation for such service from any other state or territory shall not be entitled to the compensation under this chapter, unless the amount of compensation so received is less than they would be entitled to hereunder, in which event they shall receive the difference between the compensation payable under this chapter and the extra compensation already received from such other state or territory. In case of the death of any such person prior to June 8, 1949, an equal amount shall be paid to his surviving ((widow)) spouse if not remarried at the time compensation is requested or in case he

left no ((widow)) spouse or in case his ((widow)) spouse has remarried and he has left children, then to his surviving children, or in the event he left no ((widow)) spouse eligible for payment hereunder or children surviving on June 8, 1949, then to his surviving parent or parents.

Sec. 109. Section 1, chapter 292, Laws of 1955 and RCW 73.33.010 are each amended to read as follows:

Since the people of the state of Washington have recognized the sacrifices of its sons and daughters in the service of their country during World War II, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflict threatened to defeat the ideals for which said war was waged and made it necessary for many of our sons to again bear arms for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given so much to us and have brought so much honor to our great state.

Sec. 110. Section 2, chapter 292, Laws of 1955 and RCW 73.33.020 are each amended to read as follows:

There shall be paid to each person who was on active federal service as a member of the armed military or naval forces of the United States between the twenty-seventh day of June, 1950, and the twenty-sixth day of July, 1953, and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or resident of the state of Washington, for service between said dates, the sum of one hundred dollars for service in excess of eighty-nine days within the continental United States, the sum of one hundred fifty dollars for service in excess of eighty-nine days and less than three hundred sixty-five days where any part of such service was outside the continental limits of the United States, or the sum of two hundred dollars for service in excess of three hundred sixty-four days where any part of such service was outside the continental limits of the United States: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to June 27, 1950, shall not be eligible to receive compensation under the terms of this chapter: PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this chapter.

In case of the death of any such person prior to June 10, 1955, an equal amount shall be paid to his surviving ((widow)) spouse if not remarried at the time compensation is requested, or in case he

left no ((widow)) spouse or in case his ((widow)) spouse has remarried and he has left children, then to his surviving children, or in the event he left no ((widow)) spouse eligible for payment hereunder, or children surviving on June 10, 1955, then to his surviving parent or parents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child or children by a decree of a court of competent jurisdiction shall be entitled to any compensation under this chapter if the husband of the surviving spouse was either killed in action or died as a result of wounds or disabilities incurred in action during the period covered by this chapter, such spouse, if not remarried at the time compensation is requested, shall be entitled to the largest amount payable hereunder.

Sec. 111. Section 30, chapter 228, Laws of 1963 and RCW 74.12.340 are each amended to read as follows:

The department is authorized to promulgate rules and regulations governing the provision of day care as a part of child welfare services when the ((director)) secretary determines that a need exists for such day care and that it is in the best interests of the child ((and the mother)) , the parents, or the custodial parent and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: PROVIDED, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family.

Sec. 112. Section 8 *[7], chapter 206, Laws of 1963 as amended by section 15, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.220 are each amended to read as follows:

In order to carry out its responsibilities imposed under this chapter, the state department of public assistance, through the attorney general, is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce and separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Washington therein.

(3) Appear on behalf of the ((mother)) custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by ((her)) such parent, for the purpose of assisting ((her)) such parent in securing a modification of a divorce or separate maintenance decree wherein no support, or

inadequate support, was given for such child or children: PROVIDED, That the attorney general shall be authorized to so appear only where it appears to the satisfaction of the court that the ((mother)) parent is without funds to employ private counsel. If the ((mother)) parent does not request such assistance, or refuses it when offered, the attorney general may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Washington therein; but the attorney general shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general may apply to the superior court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

Sec. 113. Section 8, chapter 206, Laws of 1963 and RCW 74.20.230 are each amended to read as follows:

Any married ((woman)) parent with minor children, natural or legally adopted children who ((are)) is receiving public assistance may apply to the superior court of the county in which ((she)) such parent resides or in which ((her husband)) the spouse may be found for an order upon ((her husband)) such spouse, if ((he)) such spouse is the natural or adoptive mother or father of such children, to provide for ((her)) such spouse's support and the support of ((her)) such spouse's minor children by filing in such county a petition setting forth the facts and circumstances upon which ((she)) such spouse relies for such order. If it appears to the satisfaction of the court that such ((woman)) parent is without funds to employ counsel, the state department of ((public assistance)) social and health services through the attorney general may file such petition on ((her)) behalf of such parent. If satisfied that a just cause exists, the court shall direct that a citation issue to the ((husband)) other spouse requiring ((him)) such spouse to appear at a time set by the court to show cause why an order of support should not be entered in the matter.

Sec. 114. Section 165, chapter 36, Laws of 1917 as amended by

section 11, chapter 211, Laws of 1943 and RCW 78.40.606 are each amended to read as follows:

No ((boy)) person under eighteen years of age((~~r~~ and no girl or woman of any age~~r~~)) shall be employed or permitted to be in any mine for the purpose of employment therein. No ((boy)) person under the age of sixteen years((~~r~~ and no girl or woman of any age~~r~~)) shall be employed or permitted to be in or about the surface workings of any mine for the purpose of employment: PROVIDED, That this prohibition shall not affect the employment of boys or girls ((or women)) for clerical or messenger duty about the surface workings as permitted under the state and federal laws.

When an employer is in doubt as to the age of any ((boy)) person applying for employment in or about the mine, he shall demand and receive proof of the age of such ((boy)) person by certificate from the parents or guardian of such ((boy)) person before ((he)) such person shall be employed. Said certificate shall consist of an affidavit, sworn and subscribed to before a justice of the peace or notary public, that ((he; the said boy)) the person making such affidavit, is of the prescribed age for employment.

Any person swearing falsely in regard to the age of a ((boy)) person shall be guilty of perjury and shall be punished as provided in the statutes of the state.

Sec. 115. Section 12, chapter 152, Laws of 1903 as amended by section 55, chapter 292, Laws of 1971 ex. sess. and RCW 79.48.130 are each amended to read as follows:

Any citizen of the United States, or any person having declared his intention to become a citizen of the United States ((~~excepting married women not the heads of families~~)) eighteen years of age or over, may make application under oath, to the commissioner of public lands, to enter any of said lands in any amount not to exceed one hundred and sixty acres for any one person; such application shall set forth that the person desiring to make such entry does so for the purpose of actual reclamation, cultivation and settlement in accordance with the act of congress and the laws of this state relating thereto, and the applicant has never received the benefit of the provisions of this chapter, to an amount greater than one hundred and sixty acres, including the number of acres specified in the application under consideration. Such application must be accompanied by a certified copy of a contract for a perpetual water right, made and entered into by the party making application with the person, company or association of persons, or incorporated company who have been authorized by the commissioner of public lands to furnish water for the reclamation of said land; and if said applicant has at any previous time entered land under the provisions of this chapter, he shall so state in his application, together with the

description, date of entry and location of said lands. The commissioner of public lands shall thereupon file in his office the application and papers relating thereto, and, if allowed, issue a certificate of location to the applicant. All applications for entry shall be accompanied by a payment of one dollar per acre, which shall be paid as a partial payment on the land if the application is allowed, and all certificates when issued shall be recorded in a book to be kept for that purpose. If the application is not allowed, or the contractor fails to complete the work according to contract the one dollar per acre accompanying the application shall be returned to the applicant. The commissioner of public lands shall dispose of all lands accepted by the state under the provisions of this chapter at a uniform price of not less than ten dollars per acre, one-tenth to be paid at the time of entry and the remainder in nine equal annual installments, with interest at six percent per annum payable annually, provided a settler may make payment in full at any time upon or after making final proof.

Sec. 116. Section 80.28.080, chapter 14, Laws of 1961 and RCW 80.28.080 are each amended to read as follows:

No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the ((widows during widowhood)) surviving spouse prior to remarriage, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: AND PROVIDED, FURTHER, That water companies may furnish free or at reduced rates water for the use of the state, or for any project in which the state is interested.

No gas company, electrical company or water company shall

extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances.

Sec. 117. Section 81.28.080, chapter 14, Laws of 1961 and RCW 81.28.080 are each amended to read as follows:

No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees, post office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: PROVIDED, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and

sleeping car companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: AND PROVIDED, FURTHER, That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: PROVIDED, FURTHER, That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the (widows during widowhood) surviving spouses prior to remarriage and minor children during minority, of persons who died while in the service of any such common carrier: AND PROVIDED, FURTHER, That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: AND PROVIDED, FURTHER, That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

Sec. 118. Section 81.94.060, chapter 14, Laws of 1961 and RCW 81.94.060 are each amended to read as follows:

No wharfinger or warehouseman shall charge, demand, collect,

or receive a greater, less or different compensation for any service rendered or to be rendered, than the rates charged applicable to such service as specified in its schedule filed and in effect at the time. Nor shall any such wharfinger or warehouseman directly or indirectly refund or remit in any manner or by any device, any portion of the rate or charge so specified, or furnish dockage, wharfage or storage or free or reduced rates except to its employees and their families and its officers, attorneys and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: PROVIDED, That the term "employees," as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of such wharfinger or warehouseman, and the term "families," as used in this section, shall include the families of those persons named in this proviso, also the families of persons killed or dying in the service, also the families of persons killed, and the (~~widows, during widowhood~~) surviving spouses prior to remarriage, and the minor children during minority of persons who died while in the service of any such wharfinger or warehouseman.

No wharfinger or warehouseman shall extend to any person or corporation any form of contract or agreement, or any rule or regulation or any privilege or facility except as are regularly and uniformly extended to all persons and corporations under like circumstances.

Sec. 119. Section 84.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 245, Laws of 1969 ex. sess. 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 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 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 revenue of its receipts and disbursements. 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.

Sec. 120. Section 84.36.120, chapter 15, Laws of 1961 as amended by section 72, chapter 299, Laws of 1971 ex. sess. and RCW 84.36.120 are each amended to read as follows:

For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a ((widow)) surviving spouse not remarried, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

"Mobile home" shall be construed to mean and include all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width.

NEW SECTION. Sec. 121. The following acts or parts of acts are each hereby repealed:

(1) Section 497, page 220, Laws of 1854, section 11, page 5, Laws of 1869, section 11, page 5, Laws of 1877, section 11, Code of

1881, section 60, chapter 292, Laws of 1971 ex. sess. and RCW 4.24.030;

(2) Section 487, page 219, Laws of 1854, section 752, page 152, Laws of 1877, section 747, Code of 1881 and RCW 4.24.120;

(3) Section 2406, Code of 1881 and RCW 26.16.170; and

(4) Section 1, chapter 84, Laws of 1951, section 1, chapter 41, Laws of 1965 and RCW 49.28.070.

Sec. 122. Section 33, page 80, Laws of 1854 as last amended by section 183, chapter 249, Laws of 1909 and RCW 9.79.010 are each amended to read as follows:

Rape is an act of sexual intercourse with a ((female)) person not the wife or husband of the perpetrator committed against ((her)) the person's will and without ((her)) the person's consent. Every ((person who shall perpetrate)) perpetrator of such an act of sexual intercourse with a ((female)) person of the age of ten years or upwards not his wife or husband:

(1) When, through idiocy, imbecility or any unsoundness of mind, either temporary or permanent, ((she)) the person is incapable of giving consent; or

(2) When ((her)) the person's resistance is forcibly overcome; or

(3) When ((her)) the person's resistance is prevented by fear of immediate and great bodily harm which ((she)) the person has reasonable cause to believe will be inflicted upon her or him; or

(4) When ((her)) the person's resistance is prevented by stupor or weakness of mind produced by an intoxicating narcotic or anaesthetic agent administered by or with the privity of the defendant; or

(5) When ((she)) the person is at the time unconscious of the nature of the act, and this is known to the defendant;

Shall be punished by imprisonment in the state penitentiary for not less than five years.

Sec. 123. Section 33, page 80, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1943 and RCW 9.79.020 are each amended to read as follows:

Every male person who shall carnally know and abuse any female child under the age of eighteen years, not his wife, and every female person who shall ((have sexual intercourse with)) carnally know and abuse any male child under the age of eighteen years, not her husband, shall be punished as follows:

(1) When such an act is committed upon a child under the age of ten years, by imprisonment in the state penitentiary for life;

(2) When such an act is committed upon a child of ten years and under fifteen years of age, by imprisonment in the state penitentiary for not more than twenty years;

(3) When such act is committed upon a child of fifteen years of age and under eighteen years of age, by imprisonment in the state penitentiary for not more than fifteen years.

Sec. 124. Section 37, page 187, Laws of 1873 as amended by section 185, chapter 249, Laws of 1909 and RCW 9.79.030 are each amended to read as follows:

Any sexual penetration, however slight, is sufficient to complete sexual intercourse or carnal knowledge. The word prostitution as used in this chapter and title means any sexual conduct engaged in for a fee or agreed or offered to be engaged in for a fee between persons not married to each other. Sexual conduct means either or both sexual intercourse or any conduct involving the sex organs of one person and the mouth or anus of another.

Sec. 125. Section 813, Code of 1881 as amended by section 186, chapter 249, Laws of 1909 and RCW 9.79.040 are each amended to read as follows:

Every person who, by force, menace, or duress, shall compel ((a woman)) another person against his or her will to marry him or her or to marry any other person, or to be defiled, shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by a fine of not more than one thousand dollars, or by both.

Sec. 126. Section 815, Code of 1881 as amended by section 187, chapter 249, Laws of 1909 and RCW 9.79.050 are each amended to read as follows:

Every person who--

(1) Shall take ((a female)) another person who is under the age of eighteen years for the purpose of prostitution or sexual intercourse, or without the consent of his or her father, mother, guardian or other person having legal charge of ((her)) such other person, for the purpose of marriage; or

(2) Shall inveigle or entice an unmarried ((female)) person of previously chaste character into a house of ill fame or assignation, or elsewhere, for the purpose of prostitution; or

(3) Shall take or detain a ((woman)) another person unlawfully against ((her)) such person's will, with intent to compel ((her)) such person by force, menace or duress, to marry him or her or another person, or to be defiled; or

(4) Being the parent, guardian or other person having legal charge of ((the)) a person ((of a female)) under the age of eighteen years, shall consent to ((her)) the taking or detention of such person by any other person for the purpose of prostitution or sexual intercourse or for any obscene, indecent or immoral purpose;

Shall be guilty of abduction and punished by imprisonment in the state penitentiary for not more than ten years or by a fine of

not more than one thousand dollars, or by both.

Sec. 127. Section 188, chapter 249, Laws of 1909 as amended by section 1, chapter 186, Laws of 1927 and RCW 9.79.060 are each amended to read as follows:

Every person who--

(1) Shall place a female or male in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that he or she shall live a life of prostitution, or who shall compel any female or male to reside with him or her or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel any ~~((such))~~ female or male to reside in a house of prostitution or to live a life of prostitution; or

(2) Shall ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons not her husband, or any male for the purpose of causing him to cohabit with any female person or persons not his wife; or

(3) Shall give, offer, or promise any compensation, gratuity or reward, to procure any ~~((female))~~ person for the purpose of placing ~~((her))~~ such person for immoral purposes in any house of prostitution, or elsewhere; or

(4) Being the ~~((husband))~~ spouse of any ~~((woman))~~ person, or the parent, guardian or other person having legal charge of ~~((the))~~ such person ~~((of a female))~~ shall connive at, consent to or permit ~~((her))~~ such person being or remaining in any house of prostitution or leading a life of prostitution; or

(5) Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purpose;

Shall be punished by imprisonment in the state penitentiary for not less than one year nor more than five years.

Sec. 128. Section 816, Code of 1881 as last amended by Section 189, chapter 249, Laws of 1909 and RCW 9.79.070 are each amended to read as follows:

Every person who shall seduce and have sexual intercourse with any ~~((female))~~ person of previously chaste character, shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both fine and imprisonment: PROVIDED, That if at any time before judgment upon an information or indictment, a defendant shall marry such ~~((female))~~ person, the court shall order all further proceedings stayed ~~((; and if at any time within three years from the date of such marriage the defendant shall wrongfully fail to support or~~

provide for or shall wrongfully desert or abandon such wife, said proceeding shall be revived and continued in the same manner as though no marriage had taken place, and in the trial of such cause the wife shall be competent to testify and may testify against her husband).

Sec. 129. Section 2, chapter 74, Laws of 1937 as last amended by section 1, chapter 127, Laws of 1955 and RCW 9.79.080 are each amended to read as follows:

(1) Every person who takes any indecent liberties with, or on the person of any ((female)) other person of chaste character, without ((her)) the other person's consent, shall be guilty of a gross misdemeanor;

(2) Every person who takes any indecent liberties with or on the person of any child under the age of fifteen years, or makes any indecent or obscene exposure of his person, or of the person of another, whether with or without his or her consent, shall be guilty of a felony, and shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year.

NEW SECTION. Sec. 130. If any provision of this 1973 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 April 10, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 24, 1973 with the exception of Sections 30, 31, 32, 33, 37, 40, 41, 42 and 43 which are vetoed.

Filed in Office of Secretary of State April 25, 1973.

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

"I am returning herewith without my approval of certain items Senate Bill No. 2502 entitled:

Veto
Message

"AN ACT Relating to equal rights."

This act amends the laws of our state to bring them into conformity with the requirements of House Joint Resolution 61, approved by the people at the last general election, which provides for equality of rights among men and women. Within this act, amendments found in sections 37, 40, 41, 42 and 43 technically conflict with amendments to the same statutes found in Senate Bill 2459 which I have previously approved. Senate Bill 2459 accomplishes the

same intent as this act and also adds language pertinent to the intent of that particular bill. Additionally, amendments are made in sections 30, 31, 32 and 33 of this act to sections of law which are repealed by House Bill 392, an act relating to divorce. Inasmuch as I have approved House Bill 392, it would be inappropriate to leave those sections in this act.

Veto
Message

Accordingly, for the reasons set out above I have determined to veto sections 30, 31, 32, 33, 37, 40, 41, 42 and 43 of Senate Bill No. 2502."

CHAPTER 155
[Engrossed Senate Bill No. 2435]
ALCOHOLISM--ADVISORY BOARD--
COUNTY PROGRAM FUNDING

AN ACT Relating to public health; amending section 7, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.070; amending section 2, chapter 77, Laws of 1972 ex. sess. and RCW 70.96.096; amending section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 30, chapter 122, Laws of 1972 ex. sess. and RCW 71.24.030; adding a new section to chapter 70.96 RCW.

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

Section 1. Section 7, chapter 122, Laws of 1972 ex. sess. and RCW 70.96A.070 are each amended to read as follows:

Pursuant to the provisions of RCW 43.20A.360, there shall be a citizens advisory council composed of not less than seven nor more than fifteen members, at least two of whom shall be recovered alcoholics and two of whom shall be members of recognized organizations involved with problems of alcoholism. The remaining members shall be broadly representative of the community, shall include representation from business and industry, organized labor, the judiciary, and minority groups, ((concerned)) chosen for their demonstrated concern with alcoholism problems ((; to advise the department; whose)). Members shall be appointed by the secretary. In addition to advising the department in carrying out the purposes of this chapter, the council shall develop and propose to the secretary for his consideration the rules and regulations for the implementation of the alcoholism programs of the department. The secretary shall thereafter adopt such rules and regulations as shall, in his judgment properly implement the alcoholism programs of the department consistent with the welfare of those to be served, the legislative intent and the public good.

NEW SECTION. Sec. 2. Any county or combination of counties acting jointly by agreement, hereinafter referred to as "county", may create an alcoholism administrative board. Such board shall be composed of not less than seven nor more than fifteen members, who shall be representative of the community, shall include at least two recovered alcoholics, and shall include consumer and minority group representation. No more than four elected or appointed city or county officials may serve on such board at the same time. Members of the board shall serve three year terms and until their successors are appointed and qualified. They shall not be compensated for the performance of their duties as members of the board, but may be paid subsistence rates and mileage in the amounts prescribed by RCW 36.17.030 as now or hereafter amended.

The alcoholism administrative board, the county and the department of social and health services shall, in the area of alcoholism prevention, treatment and education, and the administration, planning and funding thereof, have the same duties, responsibilities, powers, liabilities and authorities as are provided by chapter 71.24 RCW with respect to the mental health administrative board, the county and the department of social and health services.

An executive director of the board may be appointed by the county commissioners subject to the approval of the board. Applicants for such position need not be residents of the county, city or state, and may be employed on a full or part time basis.

Sec. 3. Section 2, chapter 77, Laws of 1972 ex. sess. and RCW 70.96.096 are each amended as follows:

In order to be eligible to receive its share of liquor taxes and profits, each city and county shall be required to devote no less than two percent of such share of liquor taxes and profits to the support of an alcoholism program approved by the alcoholism administrative board authorized by section 2 of this 1973 amendatory act and the secretary of the state department of social and health services.

NEW SECTION. Sec. 4. There is added to chapter 70.96 RCW a new section to read as follows:

Any appropriation to the state department of social and health services for alcoholism programs shall be distributed as follows:

(a) Not more than ten percent to the department of social and health services for administration;

(b) Not more than twenty percent to the department of social and health services for funding of pilot and state-wide alcoholism programs, if any; and,

(c) The remainder to be provided for alcoholism programs pursuant to section 2 of this 1973 amendatory act, in the ratio of liquor taxes and profits derived from a county or within a county to

v the taxes and profits derived from the total sale of liquor statewide.

Sec. 5. Section 3, chapter 111, Laws of 1967 ex. sess. as last amended by section 30, chapter 122, Laws of 1972 ex. sess. and RCW 71.24.030 are each amended to read as follows:

The secretary is authorized, pursuant to the provisions of this chapter and the rules and regulations promulgated to effectuate its purposes, to make grants to assist counties or combinations of counties in the establishment and operation of community mental health programs to provide one or more of the following services:

(1) Outpatient diagnostic and treatment services.

(2) Inpatient psychiatric services.

(3) Rehabilitation services for patients with psychiatric illnesses.

(4) Informational services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health agencies, welfare agencies, probation departments and other appropriate public or private agencies or groups.

(5) Consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.

(6) Inpatient or outpatient care, treatment or rehabilitation services of (~~alcoholics, persons incapacitated by alcohol and intoxicated persons and~~) persons using controlled substances in violation of chapter 69.50 RCW.

(7) Such services as are set forth in subsection (4) which pertain to the education and information about and prevention of problems of drug (~~and alcohol~~) abuse.

Such inservice training as may be necessary in providing any of the foregoing services shall be proper items of expenditure in connection therewith.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 24, 1973, with the exception of Section 4 which is vetoed.

Filed in Office of Secretary of State April 25, 1973.

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

"I am returning herewith, without my approval as to one item, Senate Bill No. 2435 entitled:

Veto
Message

"AN ACT Relating to public health."

This act creates an alcoholism advisory board for the Department of Social and Health Services and also provides a mechanism for program funding at the county level for those counties which desire it. Section four of the bill establishes a distribution formula for the funds appropriated to the department for alcoholism. The formula allows ten percent of the funds for administration, twenty percent for pilot and statewide programs and the balance to be allocated to the counties based on the ratio of liquor taxes and profits derived from a county to the taxes and profits derived from the sale of liquor statewide. This formula is unduly restrictive in that it would not allow for the continued funding of existing statewide and pilot programs. Additionally, the ratio established for county allocation varies widely from period to period, making it very difficult for the counties to do meaningful planning for future needs. With these considerations in mind, it would be appropriate for the legislature to reconsider the formula between now and next September and at that time establish a more viable method for allocating these funds to the counties.

Veto
Message

Accordingly, for the reasons set out above I have determined to veto section four of Senate Bill No. 2435."

CHAPTER 156

[Substitute House Bill No. 64]

SPECIAL FUEL TAX

AN ACT Relating to special fuel tax; amending section 4, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 135, Laws of 1972 ex. sess. and RCW 82.38.030; amending section 5, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.040; amending section 11, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.100; amending section 12, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.110; amending section 13, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.120; amending section 16, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.150; amending section 18, chapter 175, Laws of 1971 ex. sess. as amended by section 3, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.170; and amending section 20, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.190.

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

Section 1. Section 4, chapter 175, Laws of 1971 ex. sess. as amended by section 2, chapter 135, Laws of 1972 ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax of nine cents per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use (within the meaning of the word use as defined herein) of special fuel in any motor vehicle: PROVIDED, That in order to encourage experimentation with nonpolluting fuels, no tax shall be imposed upon the use of natural gas as herein defined or on liquified petroleum gas, commonly called propane, which is used in ((a fleet of three or more)) any motor vehicle((s)) until July 1, 1975.

(2) Said tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser indicates in writing to the special fuel dealer prior to or at the time of the delivery that the entire quantity of the special fuel covered by the delivery is for use by him for a taxable purpose as a fuel in a motor vehicle.

(3) Said tax shall be paid over to the department by the special fuel user as hereinafter provided: (a) With respect to special fuel upon which the tax has not previously been imposed which was acquired in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle in this state; or (b) in all transactions with a special fuel dealer in this state where a written statement has not been furnished to the special fuel dealer as set forth in subsection (2) (b) of this section.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer.

Sec. 2. Section 5, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.040 are each amended to read as follows:

The department may issue written authorization to a special fuel user to purchase fuel from a bonded special fuel dealer designated by the special fuel user without payment of the tax to the bonded special fuel dealer when the department finds (1) that the special fuel user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state; (2) that to require collection of the tax from the special

fuel user by the bonded special fuel dealer would cause consistently recurring overpayments of the tax; and (3) that the revenue of the state with respect to the tax liability of such a special fuel user is adequately secured. Such authorization may be revoked when any one of the above conditions no longer obtains. The delivery of special fuel may be made without collecting the tax otherwise imposed when deliveries are made into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks, on invoices showing the vehicle unit or license number and such other information as may be prescribed by the department.

Sec. 3. Section 11, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.100 are each amended to read as follows:

((Any special fuel user operating a motor vehicle in this state in the course of interstate traffic may make application for a single trip special fuel tax permit authorizing operation of such vehicle for a single trip through the state or from a point on the Washington border to a point within the state and return to the border for a fee based on the number of miles to be traveled within the state as follows:

{1} Up to 333 miles	\$ 5.00
{2} From 334 miles to 555 miles	\$40.00
{3} From 556 miles to 777 miles	\$45.00
{4} From 778 miles to 1000 miles	\$20.00
{5} More than 1000 miles	\$25.00

In addition to the fee based on the miles to be traveled within the state; a fee of one dollar shall be paid for each single trip special fuel tax permit issued which shall be valid for a period of not more than ninety-six hours beginning and ending on the dates and time specified on the face of the permit issued. Such fees shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in motor vehicles on the public highways of this state and no reports of mileage shall be required with respect to such vehicles. All such fees collected by the department shall be allocated to the same fund to which the special fuel tax collected hereunder is allocated. The single trip special fuel tax permits may be issued in lieu of special fuel user licenses if the applicant therefor does not operate motor vehicles into or from the state of Washington more than six times during any calendar year.))

(1) Any special fuel user operating a motor vehicle into this state for commercial purposes may make application for a trip permit in lieu of a special fuel user's license required in RCW 82.38.090 which shall be good for a period of not more than twenty consecutive days beginning and ending on the dates specified on the face of the permit issued. An administrative fee of ten dollars shall be

required for each permit issued plus one dollar for each consecutive day covered by such permit. Such fees shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required with respect to such vehicle. Trip permits may be issued if the applicant does not operate motor vehicles into or from the state of Washington more than six times during any calendar year.

(2) Any special fuel user desiring to operate a motor vehicle exclusively within the state of Washington pending the receipt of a special fuel user's license as required in RCW 82.38.090 may make application for a trip permit as provided in subsection (1) of this section: PROVIDED, That only one trip permit shall be issued for the same vehicle. All fees paid for such trip permit shall be in lieu of any special fuel tax otherwise due by the applicant for using special fuel in a motor vehicle on the public highways of this state and no report of mileage shall be required for the operation of the vehicle for the period for which the trip permit was issued.

(3) All fees collected by the department under the provisions of subsections (1) and (2) of this section shall be credited and deposited in the same manner as the special fuel tax collected hereunder and shall not be subject to refund or credit.

Sec. 4. Section 12, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.110 are each amended to read as follows:

Application for a special fuel dealer's license, special fuel supplier's license or a special fuel user's license, shall be made to the department. The application shall be filed upon a form prepared and furnished by the department and shall contain such information as the department deems necessary.

No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in RCW 82.38.020, in such form as the department may require, to secure his compliance with this chapter, and the payment of any and all taxes, interest and penalties due and to become due hereunder. The requirement of furnishing a bond shall be waived provided all acquisitions of special fuel by the licensee are on a tax paid or a tax exempt basis.

The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly license tax, determined in such manner as the department may deem proper: PROVIDED, That the total amount of the bond or bonds shall never be less than five hundred dollars nor more than fifty thousand dollars.

Any person who has filed with the department a bond as a motor vehicle fuel distributor under the terms and conditions provided for

in RCW 82.36.060, may extend the terms and conditions of said distributor's bond, by an approved rider or bond form, to include coverage of all liabilities and conditions imposed by this chapter upon the special fuel dealer or to the special fuel user to whom said extension is made applicable. The amount of any new bond that may be required of a dealer or user shall not exceed the maximum amount provided by RCW 82.36.060 for a motor vehicle fuel distributor's license.

Sec. 5. Section 13, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.120 are each amended to read as follows:

Upon receipt and approval of an application and bond (if required), the department shall issue to the applicant a license to act as a special fuel dealer, a special fuel supplier, or a special fuel user: PROVIDED, That the department may refuse to issue a special fuel dealer's license, special fuel supplier's license, or a special fuel user's license to any person (1) who formerly held either type of license which, prior to the time of filing for application, has been revoked for cause; or (2) who is a subterfuge for the real party in interest whose license prior to the time of filing for application, has been revoked for cause; or (3) upon other sufficient cause being shown. Before such refusal, the department shall grant the applicant a hearing and shall grant him at least five days written notice of the time and place thereof.

The department shall determine from the information shown in the application or other investigation the kind and class of license to be issued.

All licenses shall be posted in a conspicuous place or kept available for inspection at the principal place of business of the owner thereof. License holders shall reproduce the license by photostat or other method and keep a copy on display for ready inspection at each additional place of business or other place of storage from which special fuel is sold, delivered or used and in each motor vehicle used by the license holder to transport special fuel purchased by him for resale, delivery or use. Every special fuel user and consumer of special fuel used to propel motor vehicles upon the highways of this state shall reproduce the license and carry a photocopy thereof with each motor vehicle being operated upon the highways of this state. ((In the event a special fuel user license is not displayed, whether through loss, theft, or for any other reason, the operator of such vehicle may be required to purchase a single trip special fuel tax permit pursuant to RCW 82.38.400.))

A special fuel dealer or a special fuel supplier may use special fuel in motor vehicles owned or operated by them without securing a license as a special fuel user but they shall be subject to all other conditions, requirements and liabilities imposed herein

upon a special fuel user.

The department shall furnish to each licensed special fuel supplier a list showing the name and address of each bonded special fuel dealer as of the beginning of each fiscal year, and shall thereafter during each year supplement such list monthly.

Each special fuel dealer's license, special fuel supplier's license, and special fuel user's license shall be valid until suspended or revoked for cause or otherwise canceled.

No special fuel dealer's license, special fuel supplier's license, or special fuel user's license shall be transferable.

Sec. 6. Section 16, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.150 are each amended to read as follows:

For the purpose of determining the amount of his liability for the tax herein imposed each special fuel dealer and each special fuel user shall file with the department, on forms prescribed by the department, a monthly tax report. A report shall be filed with the department for each calendar month, even though no special fuel was used, or tax is due, for the calendar month. Such report shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the report and shall be in lieu of such verification. The report shall show such information as the department may reasonably require for the proper administration and enforcement of this chapter: PROVIDED, That if a special fuel dealer or special fuel user is also a special fuel supplier at a location where special fuel is delivered into the supply tank of a motor vehicle, and if separate storage is provided thereat from which special fuel is delivered or placed into fuel supply tanks of motor vehicles, the monthly report to the department need not include inventory control data covering bulk storage from which wholesale distribution of special fuel is made. The special fuel dealer or special fuel user shall file the report on or before the twenty-fifth day of the next succeeding calendar month following the monthly period to which it relates.

If the final filing date falls on a Saturday, Sunday or legal holiday the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon an envelope containing such report properly addressed to the department, or on the date it was mailed if proof satisfactory to the department is available to establish the date it was mailed.

Any person whose sole use of special fuel is for the propulsion of a privately operated passenger automobile is exempt from the filing of a special fuel tax report on the condition that

all fuel used in this state, except fuel brought into this state in the fuel tank of the vehicle, is purchased from a special fuel dealer in this state who collects the tax from the user when delivering the fuel into the fuel tank of the user's automobile. For the purposes of this chapter, "privately operated passenger automobile" includes passenger cars as that term is defined in RCW 46.04.382, and such light trucks and other noncommercial vehicles as may be defined as such by rules and regulations adopted by the department. A special fuel user may be relieved of the filing of the tax report even though he operates more than one passenger automobile using special fuel, whether or not such automobiles are used for pleasure or in a business or profession, providing that the user is not also using such fuel in other motor vehicles which are not privately operated passenger automobiles. Notwithstanding that a special fuel user's sole use of such special fuel is in a privately operated automobile, he shall continue to file the tax report if he is using such special fuels from bulk storage of special fuel on which the tax has not been paid at the time of purchase or acquisition.

The department may relieve any holder of a valid special fuel users license from the requirement of filing returns under this section when he has established to its satisfaction (1) that such user's vehicles are operated exclusively within the boundaries of this state; (2) that his purchases of special fuel are made exclusively from special fuel dealers holding valid licenses under this chapter; (3) that he does not acquire special fuel in any manner or for any purpose whereby payment of tax or undertaking therefor is not made to a special fuel dealer at time of purchase; and (4) that he maintains adequate records subject to audit.

((A vehicle identification card to be carried in the motor vehicle shall be issued in such cases and the privilege shall be subject to revocation by the department whenever the vehicle of any licensee so identified is found to be operated in violation of any of the conditions in this section:))

The department, if it deems it necessary in order to insure payment of the tax imposed by this chapter, or to facilitate the administration of this chapter, shall have the authority to require the filing of reports and tax remittances at shorter intervals than one month if, in its opinion, an existing bond has become insufficient.

The department may permit any special fuel user whose sole use of special fuel is in motor vehicles or equipment exempt from tax as provided in section 1(1) of this 1973 amendatory act and RCW 82.38.080 (1), (2), (3) and (6), in lieu of the reports required in this section, to submit reports annually or as requested by the department, in such form as the department may require.

Sec. 7. Section 18, chapter 175, Laws of 1971 ex. sess. as amended by section 3, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.170 are each amended to read as follows:

(1) ((If any person affected by this chapter shall fail or refuse to comply with any provision of this chapter or shall violate the same; or shall fail or refuse to comply with any rule or regulation promulgated hereunder by the department or shall violate the same; he shall forfeit to the state of Washington as penalty; the sum of twenty-five dollars;

{2} In case any special fuel dealer or special fuel user refuses or fails to file a return required by this chapter within the time prescribed by RCW 82.38.150; there is hereby imposed the penalty provided in subsection {1} of this section or a sum equal to ten percent of the tax due; whichever is greater; together with interest at the rate of one percent for each calendar month or fraction thereof during which such refusal or failure continues;

{3} Where a special fuel dealer or a special fuel user files a report; but fails to pay in whole or in part the tax due hereunder; there shall be added to the amount due and unpaid; interest at the rate of one percent per month or fraction thereof from the date such tax was due to the date of payment in full thereof;))

If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by section 6 of this 1973 amendatory act, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof plus interest at the rate of one percent per month, or fraction thereof, from the date such tax was due until paid.

((4)) {2} If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency ((the penalty provided in subsection {2} of this section together with interest at the rate of one percent per month; or fraction thereof; from the date the report was due;)) a penalty of ten percent of the amount of the deficiency together with interest at the rate of one percent per month, or fraction thereof, from the date the report was due until paid.

((5)) {3} If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection

~~((4))~~ (2) of this section. An assessment made by the department pursuant to this subsection or to subsection ~~((4))~~ (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

~~((6))~~ (4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or wilful, the department may waive the penalty prescribed in subsections (1), (2), ~~((4) and (5))~~ and (3) of this section.

~~((7))~~ (5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency together with interest at one percent per month, or fraction thereof, on such deficiency from the date such tax was due to the date of payment, in addition to the penalty provided in subsection ~~((4))~~ (2) of this section and all other penalties prescribed by law.

~~((8))~~ (6) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection ~~((4))~~ (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

~~((9))~~ (7) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections ~~((4))~~ (2) or ~~((5))~~ (3) of this section may petition for a reassessment thereof within ~~((fifteen))~~ thirty days after service upon the special fuel dealer or special fuel user of notice thereof. If such petition is not filed within such ~~((fifteen))~~ thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty

days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

~~((140))~~ (8) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

Sec. 8. Section 20, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 138, Laws of 1972 ex. sess. and RCW 82.38.190 are each amended to read as follows:

(1) Claims under RCW 82.38.180 shall be filed with the department on forms prescribed by the department and shall show the date of filing and the period covered in the claim, the number of gallons of special fuel used for purposes subject to tax refund, and such other facts and information as may be required. Every such claim shall be supported by an invoice or invoices issued to or by the claimant, as may be prescribed by the department, and such other information as the department may require.

(2) Any amount determined to be refundable by the department under RCW 82.38.180 shall first be credited on any amounts then due and payable from the special fuel dealer or special fuel user or to any person to whom the refund is due, and the department shall then certify the balance thereof to the state treasurer, who shall thereupon draw his warrant for such certified amount to such special fuel dealer or special fuel user or any person: PROVIDED, HOWEVER, That the department shall deduct fifty cents from all such refunds as a filing fee, which fee shall be deducted from the warrant issued in payment of such refund to defray expenses in furnishing the claim forms and other forms provided for in this chapter.

(3) No refund or credit shall be approved by the department unless a written claim for refund or credit stating the specific grounds upon which the claim is founded is filed with the department:

(a) Within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount or credit is due with respect to refunds or credits allowable under RCW 82.38.180, subsections (1), (2), (4) and (5), and if not filed within this period the right to refund shall be forever barred.

(b) Within three years from the last day of the month following the close of the monthly period for which the overpayment is due with respect to the refunds or credits allowable under RCW

82.38.180(3).

((c) Within six months from the date the assessment becomes final or within six months from the date of collection, whichever period expires the later, with respect to assessments made by the department under REW 82.38.170(4) and (5):)

(4) Within thirty days after disallowing any claim in whole or in part, the department shall serve written notice of its action on the claimant.

(5) Interest shall be paid upon any refundable amount or credit due under RCW 82.38.180(3) at the rate of one percent per month from the last day of the calendar month following the monthly period for which the refundable amount or credit is due.

The interest shall be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is approved by the department, whichever date is earlier.

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

If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest thereon.

(6) No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under this chapter of any tax or any amount of tax required to be collected.

Passed the House March 27, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 157

[Substitute House Bill No. 392]

MARRIAGE--DISSOLUTION--LEGAL

SEPARATION--DECLARATIONS OF INVALIDITY

AN ACT Relating to divorce; adding a new chapter to Title 26 RCW; repealing section 1, chapter 215, Laws of 1949 and RCW 26.08.010; repealing section 2, chapter 215, Laws of 1949, section 1, chapter 15, Laws of 1965 ex. sess. and RCW

26.08.020; repealing section 3, chapter 215, Laws of 1949, section 1, chapter 28, Laws of 1970 ex. sess. and RCW 26.08.030; repealing section 4, chapter 215, Laws of 1949 and RCW 26.08.040; repealing section 5, chapter 215, Laws of 1949 and RCW 26.08.050; repealing section 6, chapter 215, Laws of 1949 and RCW 26.08.060; repealing section 7, chapter 215, Laws of 1949 and RCW 26.08.070; repealing section 8, chapter 215, Laws of 1949, section 1, chapter 21, Laws of 1972 ex. sess. and RCW 26.08.080; repealing section 9, chapter 215, Laws of 1949, section 70, chapter 81, Laws of 1971 and RCW 26.08.090; repealing section 10, chapter 215, Laws of 1949 and RCW 26.08.100; repealing section 11, chapter 215, Laws of 1949 and RCW 26.08.110; repealing section 12, chapter 215, Laws of 1949 and RCW 26.08.120; repealing section 13, chapter 215, Laws of 1949 and RCW 26.08.130; repealing section 14, chapter 215, Laws of 1949 and RCW 26.08.140; repealing section 15, chapter 215, Laws of 1949 and RCW 26.08.150; repealing section 16, chapter 215, Laws of 1949 and RCW 26.08.160; repealing section 17, chapter 215, Laws of 1949 and RCW 26.08.170; repealing section 18, chapter 215, Laws of 1949 and RCW 26.08.180; repealing section 19, chapter 215, Laws of 1949 and RCW 26.08.190; repealing section 20, chapter 215, Laws of 1949 and RCW 26.08.200; repealing section 21, chapter 215, Laws of 1949 and RCW 26.08.210; repealing section 11, chapter 26, Laws of 1967 and RCW 26.08.215; repealing section 22, chapter 215, Laws of 1949 and RCW 26.08.220; and repealing section 1, chapter 135, Laws of 1949 and RCW 26.08.230.

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

NEW SECTION. Section. 1. (1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of and"

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of"

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

NEW SECTION. Sec. 2. (1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

- (a) The last known residence of each party;
 - (b) The date and place of the marriage and the place at which it was registered;
 - (c) If the parties are separated the date on which the separation occurred;
 - (d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;
 - (e) Any arrangements as to the custody, visitation and support of the children and the maintenance of a spouse;
 - (f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;
 - (g) The relief sought.
- (2) Either or both parties to the marriage may initiate the proceeding.

NEW SECTION. Sec. 3. When a party who is a resident of this state or who is a member of the armed forces and is stationed in this state, petitions for a dissolution of marriage, and alleges that the marriage is irretrievably broken and when ninety days have elapsed since the petition was filed and from the date when service of summons was made upon the respondent or the first publication of summons was made, the court shall proceed as follows:

(1) If the other party joins in the petition or does not deny that the marriage is irretrievably broken, the court shall enter a decree of dissolution.

(2) If the other party alleges that the petitioner was induced to file the petition by fraud, or coercion, the court shall make a finding as to that allegation and, if it so finds shall dismiss the petition.

(3) If the other party denies that the marriage is irretrievably broken the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospects for reconciliation and shall:

(a) Make a finding that the marriage is irretrievably broken and enter a decree of dissolution of the marriage; or

(b) At the request of either party or on its own motion, transfer the cause to the family court, refer them to another counseling service of their choice, and request a report back from the counseling service within sixty days, or continue the matter for

not more than sixty days for hearing. If the cause is returned from the family court or at the adjourned hearing, the court shall:

(i) Find that the parties have agreed to reconciliation and dismiss the petition; or

(ii) Find that the parties have not been reconciled, and that either party continues to allege that the marriage is irretrievably broken. When such facts are found, the court shall enter a decree of dissolution of the marriage.

(4) If the petitioner requests the court to decree legal separation in lieu of dissolution, the court shall enter the decree in that form unless the other party objects and petitions for a decree of dissolution or declaration of invalidity.

NEW SECTION. Sec. 4. (1) While both parties to an alleged marriage are living, and at least one party is resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be brought by:

(a) Either or both parties, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage. The petitioner in such action shall be the person or entity denying or questioning the validity of the marriage.

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, custody, visitation, support, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining

capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage.

NEW SECTION. Sec. 5. In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall consider, approve, or make provision for child custody and visitation, the support of any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property and liabilities of the parties.

NEW SECTION. Sec. 6. (1) In a proceeding for:

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

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

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

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

(b) Molesting or disturbing the peace of the other party or of

any child;

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

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

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

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

(5) A temporary order or temporary injunction:

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

(b) May be revoked or modified;

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

NEW SECTION. Sec. 7. (1) The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the custody, support, and visitation of their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for the custody, support, and visitation of children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution, legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms for custody, support, and visitation shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to custody, support, and visitation of children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract.

NEW SECTION. Sec. 8. In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

- (1) The nature and extent of the community property;
- (2) The nature and extent of the separate property;
- (3) The duration of the marriage; and
- (4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse having custody of any children.

NEW SECTION. Sec. 9. (1) In a proceeding for dissolution of

marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance.

NEW SECTION. Sec. 10. In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support.

NEW SECTION. Sec. 11. The court may appoint an attorney to represent the interests of a minor or dependent child with respect to his custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except that, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county.

NEW SECTION. Sec. 12. (1) The court may, upon its own motion or upon motion of either party, order support or maintenance payments to be made to:

(a) The person entitled to receive the payments; or

(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or

(c) The clerk of court as trustee for remittance to the person entitled to receive the payments.

(2) If payments are made to the clerk of court:

(a) The clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order; and

(b) The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order; and

(c) The clerk of the court shall, if the party fails to make required payment, send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the clerk of the court within ten days after sending notice, the clerk of the court shall certify the amount due to the prosecuting attorney.

NEW SECTION. Sec. 13. The court may order the person obligated to pay support or maintenance to make an assignment of a part of his periodic earnings or trust income to the person or agency entitled to receive the payments: PROVIDED, That the provisions of RCW 7.33.280 in regard to exemptions in garnishment proceedings shall apply to such assignments. The assignment is binding on the employer, trustee or other payor of the funds two weeks after service upon him of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the person specified in the order. The payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section.

NEW SECTION. Sec. 14. The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorney's fees in addition to statutory costs.

The court may order that the attorney's fees be paid directly to the attorney who may enforce the order in his name.

NEW SECTION. Sec. 15. A decree of dissolution of marriage, legal separation, or declaration of invalidity is final when entered, subject to the right of appeal. An appeal which does not challenge the finding that the marriage is irretrievably broken or was invalid, does not delay the finality of the dissolution or declaration of

invalidity and either party may remarry pending such an appeal.

No earlier than six months after entry of a decree of legal separation, on motion of either party, the court shall convert the decree of legal separation to a decree of dissolution of marriage. The clerk of court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the department of social and health services. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, dissolution of marriage, annulment, or separate maintenance granted during the preceding month.

Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order a former name restored and may, on motion of either party, for just and reasonable cause, order the wife to assume a name other than that of the husband.

NEW SECTION. Sec. 16. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended, but he may move the court to grant an appropriate order.

NEW SECTION. Sec. 17. Except as otherwise provided in subsection (7) of section 7 of this 1973 act, the provisions of any decree respecting maintenance or support may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

NEW SECTION. Sec. 18. (1) A child custody proceeding is commenced in the superior court:

(a) By a parent:

(i) By filing a petition for dissolution of marriage, legal separation or declaration of invalidity; or

(ii) By filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found;
or

(b) By a person other than a parent, by filing a petition

seeking custody of the child in the county where the child is permanently resident or where he is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

NEW SECTION. Sec. 19. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parent or parents as to his custody and as to visitation privileges;

(2) The wishes of the child as to his custodian and as to visitation privileges;

(3) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;

(4) The child's adjustment to his home, school, and community;
and

(5) The mental and physical health of all individuals involved.

The court shall not consider conduct of a proposed guardian that does not affect the welfare of the child.

NEW SECTION. Sec. 20. A party to a custody proceeding may move for a temporary custody order. The motion must be supported by an affidavit as provided in section 27 of this 1973 act. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.

If a proceeding for dissolution of marriage, legal separation, or declaration of invalidity is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a custody decree be issued.

If a custody proceeding commenced in the absence of a petition for dissolution of marriage, legal separation, or declaration of invalidity, (subsection (1) of section 18 of this 1973 act) is dismissed, any temporary order is vacated.

NEW SECTION. Sec. 21. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation privileges. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel

whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court.

NEW SECTION. Sec. 22. (1) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodian arrangements for the child. The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the child and his potential custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that he lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination prior to the hearing.

NEW SECTION. Sec. 23. Custody proceedings shall receive priority in being set for hearing.

Either party may petition the court to authorize the payment of necessary travel and other expenses incurred by any witness whose presence at the hearing the court deems necessary to determine the best interests of the child.

The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and

legitimate interest in the work of the court.

If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record.

NEW SECTION. Sec. 24. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child.

The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health.

NEW SECTION. Sec. 25. Except as otherwise agreed by the parties in writing at the time of the custody decree, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical, mental, or emotional health would be endangered.

If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical, mental, or emotional health would be endangered, the court may order an appropriate agency which regularly deals with children to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out. Such order may be modified by the court at any time upon petition by either party.

NEW SECTION. Sec. 26. (1) The court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:

- (a) The custodian agrees to the modification;
- (b) The child has been integrated into the family of the petitioner with the consent of the custodian; or
- (c) The child's present environment is detrimental to his physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a

change to the child.

(2) If the court finds that a motion to modify a prior custody order has been brought in bad faith, the court shall assess the attorney's fees and court costs of the custodian against the petitioner.

NEW SECTION. Sec. 27. A party seeking a temporary custody order or modification of a custody decree shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted.

NEW SECTION. Sec. 28. Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage in relation to the care, custody, control, support, or maintenance of the minor children of the marriage may be brought in the county where said minor children are then residing, or in the county where the parent or other person who has the care, custody, or control of the said children is then residing.

NEW SECTION. Sec. 29. Whenever either of the parties in a divorce action is, under the law, entitled to a final judgment, but by mistake, negligence, or inadvertence the same has not been signed, filed, or entered, if no appeal has been taken from the interlocutory order or motion for a new trial made, the court, on the motion of either party thereto or upon its own motion, may cause a final judgment to be signed, dated, filed, and entered therein granting the divorce as of the date when the same could have been given or made by the court if applied for. The court may cause such final judgment to be signed, dated, filed, and entered nunc pro tunc as aforesaid, even though a final judgment may have been previously entered where by mistake, negligence or inadvertence the same has not been signed, filed, or entered as soon as such final judgment, the parties to such action shall be deemed to have been restored to the status of single persons as of the date affixed to such judgment, and any marriage of either of such parties subsequent to six months after the granting of the interlocutory order as shown by the minutes of the court, and after the final judgment could have been entered under the law if applied for, shall be valid for all purposes as of the date affixed to such final judgment, upon the filing thereof.

NEW SECTION. Sec. 30. The following acts or parts of acts

are each repealed:

- (1) Section 1, chapter 215, Laws of 1949 and RCW 26.08.010;
- (2) Section 2, chapter 215, Laws of 1949, section 1, chapter 15, Laws of 1965 ex. sess. and RCW 26.08.020;
- (3) Section 3, chapter 215, Laws of 1949, section 1, chapter 28, Laws of 1970 ex. sess. and RCW 26.08.030;
- (4) Section 4, chapter 215, Laws of 1949 and RCW 26.08.040;
- (5) Section 5, chapter 215, Laws of 1949 and RCW 26.08.050;
- (6) Section 6, chapter 215, Laws of 1949 and RCW 26.08.060;
- (7) Section 7, chapter 215, Laws of 1949 and RCW 26.08.070;
- (8) Section 8, chapter 215, Laws of 1949, section 1, chapter 21, Laws of 1972 ex. sess. and RCW 26.08.080;
- (9) Section 9, chapter 215, Laws of 1949, section 70, chapter 81, Laws of 1971 and RCW 26.08.090;
- (10) Section 10, chapter 215, Laws of 1949 and RCW 26.08.100;
- (11) Section 11, chapter 215, Laws of 1949 and RCW 26.08.110;
- (12) Section 12, chapter 215, Laws of 1949 and RCW 26.08.120;
- (13) Section 13, chapter 215, Laws of 1949 and RCW 26.08.130;
- (14) Section 14, chapter 215, Laws of 1949 and RCW 26.08.140;
- (15) Section 15, chapter 215, Laws of 1949 and RCW 26.08.150;
- (16) Section 16, chapter 215, Laws of 1949 and RCW 26.08.160;
- (17) Section 17, chapter 215, Laws of 1949 and RCW 26.08.170;
- (18) Section 18, chapter 215, Laws of 1949 and RCW 26.08.180;
- (19) Section 19, chapter 215, Laws of 1949 and RCW 26.08.190;
- (20) Section 20, chapter 215, Laws of 1949 and RCW 26.08.200;
- (21) Section 21, chapter 215, Laws of 1949 and RCW 26.08.210;
- (22) Section 11, chapter 26, Laws of 1967 and RCW 26.08.215;
- (23) Section 22, chapter 215, Laws of 1949 and RCW 26.08.220;

and

- (24) Section 1, chapter 135, Laws of 1949 and RCW 26.08.230.
- NEW SECTION. Sec. 31. Sections 1 through 29 of this 1973 act shall constitute a new chapter in Title 26 RCW.

Passed the House April 12, 1973.

Passed the Senate April 9, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 158

[House Bill No. 420]

UNEMPLOYMENT COMPENSATION

AN ACT Relating to unemployment compensation; amending section 39, chapter 35, Laws of 1945 as amended by section 9, chapter 215,

Laws of 1947 and RCW 50.08.020; amending section 41, chapter 35, Laws of 1945 and RCW 50.12.020; amending section 43, chapter 35, Laws of 1945 and RCW 50.12.040; amending section 57, chapter 35, Laws of 1945 as amended by section 2, chapter 266, Laws of 1959 and RCW 50.12.180; amending section 75, chapter 35, Laws of 1945 as last amended by section 10, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.070; amending section 78, chapter 35, Laws of 1945 and RCW 50.20.100; amending section 87, chapter 35, Laws of 1945 as last amended by section 14, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.190; amending section 92, chapter 35, Laws of 1945 as amended by section 16, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.040; amending section 93, chapter 35, Laws of 1945 as amended by section 19, chapter 215, Laws of 1947 and RCW 50.24.050; amending section 101, chapter 35, Laws of 1945 as amended by section 21, chapter 214, Laws of 1949 and RCW 50.24.130; amending section 10, chapter 2, Laws of 1970 ex. sess. as amended by section 16, chapter 3, Laws of 1971 and RCW 50.29.010; amending section 13, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.040; amending section 15, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.060; amending section 16, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.070; amending section 125, chapter 35, Laws of 1945 and RCW 50.32.090; amending section 128, chapter 35, Laws of 1945 as amended by section 119, chapter 81, Laws of 1971 and RCW 50.32.120; amending section 129, chapter 35, Laws of 1945 as amended by section 120, chapter 81, Laws of 1971 and RCW 50.32.130; amending section 130, chapter 35, Laws of 1945 and RCW 50.32.140; adding a new section to chapter 35, Laws of 1945 and to chapter 50.24 RCW; repealing section 47.64.050, chapter 13, Laws of 1961 and RCW 47.64.050; providing an effective date; and declaring an emergency.

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

Section 1. Section 39, chapter 35, Laws of 1945 as amended by section 9, chapter 215, Laws of 1947 and RCW 50.08.020 are each amended to read as follows:

There are hereby established in the employment security department two coordinate divisions to be known as the unemployment compensation division, and the Washington state employment service division, each of which shall be administered by a full time salaried supervisor who shall be an assistant to the commissioner and shall be appointed by him. Each division shall be responsible to the commissioner for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commissioner may

find that such separation is impracticable. ((The commissioner is authorized to appoint and fix the compensation of such officers, accountants, experts and other personnel as may be necessary to carry out the provisions of this title: PROVIDED, That such appointment shall be made on a nonpartisan merit basis in accordance with the provisions of this title relating to the selection of personnel;))

It is hereby further provided that the governor in his discretion may delegate any or all of the organization, administration and functions of the said Washington state employment service division to any federal agency.

Sec. 2. Section 41, chapter 35, Laws of 1945 and RCW 50.12.020 are each amended to read as follows:

The commissioner is authorized to appoint(~~to fix the compensation of, and prescribe the duties of the staff of each of said divisions~~) and fix the compensation of such officers, accountants, experts, and other personnel as may be necessary to carry out the provisions of this title: PROVIDED, That such appointment shall be made on a nonpartisan merit basis in accordance with the provisions of this title relating to the selection of personnel. The commissioner may delegate to any person appointed such power and authority as he deems reasonable and proper for the effective administration of this title, including the right to decide matters placed in his discretion under this title, and may in his discretion bond any person handling moneys or signing checks hereunder.

The commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any partisan elective public office.

Sec. 3. Section 43, chapter 35, Laws of 1945 and RCW 50.12.040 are each amended to read as follows:

~~((General and special rules may be adopted, amended, or rescinded by the commissioner only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in the state. Special rules shall become effective ten days after notification to, or mailing to, the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the commissioner and shall become effective in the manner and at the time prescribed by him;))~~ Regular and emergency rules and regulations shall be adopted, amended, or repealed by the commissioner in accordance with the provisions of Title 34 RCW and the rules or regulations adopted pursuant thereto.

Sec. 4. Section 57, chapter 35, Laws of 1945 as amended by

section 2, chapter 266, Laws of 1959 and RCW 50.12.180 are each amended to read as follows:

The commissioner, through the Washington state employment service division, shall establish and maintain free public employment offices in such places as may be necessary for the proper administration of this title and for the purpose of performing such duties as are within the purview of the act of congress entitled "An Act to provide for the establishment of a national employment system and for other purposes," approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49(c), as amended).

In the administration of this title the commissioner shall cooperate to the fullest extent consistent with the provisions of this title, with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act and there shall be observance of and compliance with the requirements thereof. The commissioner may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities, and make available to said board the state's records relating to the administration of this title, and furnish such copies thereof, at the expense of the board, as it may deem necessary for its purposes.

The commissioner shall comply with such provisions as the social security board, created by the social security act, approved August 14, 1935, as amended, may from time to time require, regarding reports and the correctness and verification thereof, and shall comply with the regulations of the social security board governing the expenditures of such sums as may be allotted and paid to this state under Title III of the social security act for the purpose of assisting the administration of this title. The commissioner may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment insurance law.

The governor is authorized to apply for an advance to the state unemployment fund and to accept the responsibility for the repayment of such advance in accordance with the conditions specified in Title XII of the social security act, as amended, in order to secure to this state and its citizens the advantages available under the provisions of such title.

The commissioner is also authorized and empowered to take such steps, not inconsistent with law, as may be necessary for the purpose

of procuring for the people of this state all of the benefits and assistance, financial and otherwise, provided, or to be provided for, by or pursuant to any act of congress ((relating to the employment security program)).

Upon request therefor the commissioner shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this title.

Sec. 5. Section 75, chapter 35, Laws of 1945 as last amended by section 10, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.070 are each amended to read as follows:

Irrespective of any other provisions of this title an individual shall be disqualified for benefits for any week with respect to which he has knowingly made a false statement or representation involving a material fact or knowingly failed to report a material fact and has thereby obtained or attempted to obtain any benefits under the provisions of this title, and for an additional twenty-six weeks commencing with the first week for which he completes ((a)) an otherwise compensable claim for waiting period credit or benefits following the date of the delivery or mailing of the determination of disqualification under this section: PROVIDED, That such disqualification shall not be applied after two years have elapsed from the date of the delivery or mailing of the determination of disqualification under this section, but all overpayments established by such determination of disqualification shall be collected as otherwise provided by this title.

Sec. 6. Section 78, chapter 35, Laws of 1945 and RCW 50.20.100 are each amended to read as follows:

In determining whether ((or not any such)) work is suitable for an individual or whether ((or not)) an individual has left work voluntarily without good cause, the commissioner shall consider the degree of risk involved to his health, safety and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, the distance of the available work from his residence, and such other factors as the commissioner may deem pertinent, including state and national emergencies.

Sec. 7. Section 87, chapter 35, Laws of 1945 as last amended by section 14, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.190 are each amended to read as follows:

((Any person who is paid any amount as benefits under this title to which he is not entitled shall become liable for such amount: PROVIDED, That in the absence of fraud, misrepresentation or

wilful nondisclosure, such person shall not be liable for an amount of overpayment received without fault on his part where the recovery thereof would be against equity and good conscience. The amount of the overpayment and the basis thereof shall be assessed to the liable person and following the overpayment assessment such amount, if not collected, shall be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of fraud, misrepresentation, or wilful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of the benefit year in which the purported overpayment was made.) An individual who is paid any amount as benefits under this title to which he is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, shall be deducted from any future benefits payable to the individual.

The commissioner may waive an overpayment if he finds that said overpayment was not the result of fraud, misrepresentation, wilful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience; PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only, shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within ten days of the delivery of the notice of determination of liability, or within ten days of the mailing of the notice of determination, whichever is the earlier, said determination of liability shall be deemed conclusive and final, and the court shall, upon application of the commissioner, enter a judgment in the amount provided by the notice of determination, which judgment shall have and be given the same effect as if entered pursuant to civil action.

On request of any agency which administers an employment security law of another state, the United States or a foreign government and which has found in accordance with the provisions of

such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact with respect to a claim taken in this state as an agent for such agency, the commissioner may collect the amount of such benefits from such claimant to be refunded to such agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

Sec. 8. Section 92, chapter 35, Laws of 1945 as amended by section 16, chapter 8, Laws of 1953 ex. sess. and RCW 50.24.040 are each amended to read as follows:

If contributions are not paid on the date on which they are due and payable as prescribed by the commissioner, the whole or part thereof remaining unpaid shall bear interest at the rate of one percent per month or fraction thereof from and after such date until payment plus accrued interest is received by him. ((In computing interest from any period less than a full month, the rate shall be one-thirtieth of one percent for each day or fraction thereof.)) Interest shall not accrue in excess of twenty-four percent for delinquent contributions for any one contributions period. The date as of which payment of contributions, if mailed, is deemed to have been received may be determined by such regulations as the commissioner may prescribe. Interest collected pursuant to this section shall be paid into the administrative contingency fund. Interest shall not accrue on contributions from any estate in the hands of a receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer subsequent to the date when such receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer qualifies as such, but contributions accruing with respect to employment of persons by any receiver, executor, administrator, trustee in bankruptcy, common law assignee or other liquidating officer shall become due and shall draw interest in the same manner as contributions due from other employers. Where adequate information has been furnished the department and the department has failed to act or has advised the employer of no liability or inability to decide the issue, interest may be waived.

Sec. 9. Section 93, chapter 35, Laws of 1945 as amended by section 19, chapter 215, Laws of 1947 and RCW 50.24.050 are each

amended to read as follows:

The claim of the unemployment compensation division for any contributions, including interest thereon, not paid when due, shall be a lien prior to all other liens or claims and on a parity with prior tax liens against all property ((of)) and rights to property, whether real or personal, belonging to the employer. In order to avail itself of the lien hereby created, the unemployment compensation division shall file with ((the county auditor of the county in which such property is located a statement in writing describing in general terms the specific property upon which the lien is claimed and stating the amount of the lien claimed by the division; The lien shall only attach to the property and be effective from the date of filing of such statement)) any county auditor a statement and claim of lien specifying the amount of delinquent contributions and interest claimed by the division. From the time of filing for record, the amount required to be paid shall constitute a lien upon all property and rights to property, whether real or personal, in the county, owned by the employer or acquired by him. The lien shall not be valid against any purchaser, holder of a security interest, mechanic's lien, or judgment lien creditor until notice thereof has been filed with the county auditor. This lien shall be separate and apart from, and in addition to, any other lien or claim created by, or provided for in, this title. When any such notice of lien has been so filed, the commissioner may release the same by filing a certificate of release when it shall appear that the amount of delinquent contributions together with all interest thereon have been paid, or when such assurance of payment shall be made as the commissioner may deem to be adequate. Any lien filed as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state shall be of no effect, however, until the lien or copy thereof shall have been filed with the county auditor in the county where the property is located. When a lien is filed in compliance herewith and with the secretary of state, such filing shall have the same effect as if the lien had been duly filed for record in the office of the auditor in each county of this state. Fees for filing and releasing the lien provided herein may be charged to the employer and may be collected from the employer utilizing the remedies provided in this title for the collection of contributions.

Sec. 10. Section 101, chapter 35, Laws of 1945 as amended by section 21, chapter 214, Laws of 1949 and RCW 50.24.130 are each amended to read as follows:

No employing unit which contracts with or has under it any contractor or subcontractor who is an employer under the provisions of this title shall make any payment or advance to, or secure any

credit for, such contractor or subcontractor ((for any indebtedness due until after the) or on account of any contract or contracts to which said employing unit is a party unless such contractor or subcontractor has paid contributions, ((or has furnished a good and sufficient bond acceptable to the commissioner for payment of contributions, including interest;)) due or to become due ((in respect to)) for wages paid or to be paid by such contractor or subcontractor for personal services ((which have been)) performed ((by individuals for such contractor or subcontractor)) pursuant to such contract or subcontract, or has furnished a good and sufficient bond acceptable to the commissioner for payment of contributions, including interest. Failure to comply with the provisions of this section shall render said employing unit directly liable for such contributions and interest and the commissioner shall have all of the remedies of collection against said employing unit under the provisions of this title as though the services in question were performed directly for said employing unit.

Sec. 11. Section 10, chapter 2, Laws of 1970 ex. sess. as amended by section 16, chapter 3, Laws of 1971 and RCW 50.29.010 are each amended to read as follows:

As used in this chapter:

"Computation date" means July 1st of any year;

"Cut-off date" means ((August 31st)) September 30th next following the computation date;

"Rate year" means the calendar year immediately following the computation date;

"Experience rating year" is the twelve-month period beginning with July 1st of one calendar year and ending on June 30th of the following calendar year;

"Payroll" means all wages (as defined for contribution purposes) paid by an employer to individuals in his employment;

"Acquire" means the right to occupy or use the operating assets formerly in the possession of a predecessor employer whether that acquisition be by purchase, lease, gift, or by any legal process;

"Qualified employer" means: (1) Any employer as of the computation date who had some employment in the twelve-month period immediately preceding April 1st of the first of the three consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such three years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the thirty-six month period immediately preceding the computation date have been paid ((prior to)) by the cut-off date or within twenty days

of mailing of special delinquency notice as provided in RCW 50.29.070; or (2) Any employer as of the computation date who has not been subject to this title for a period of time sufficient to be classified as a qualified employer under the provision of subdivision (1) of this paragraph but who had some employment in the twelve-month period immediately preceding April 1st of the first of the two consecutive calendar years immediately preceding the computation date and who had no period of four or more consecutive calendar quarters in such two years for which he reported no employment, except that no employer shall be deemed a qualified employer unless all contributions required under this title from him or his predecessors for the twenty-four month period immediately preceding the computation date have been paid ((prior to)) by the cut-off date or within twenty days of mailing of special delinquency notice as provided in RCW 50.29.070; PROVIDED, That for the purpose of this section, unpaid contributions of twenty-five dollars or less or unpaid contributions of one-half of one percent of the employer's total tax reported for the twelve-month period immediately preceding the computation date may be disregarded if showing is made to the satisfaction of the commissioner that an otherwise qualified employer acted in good faith and that forfeiture of qualification for a reduced contribution rate because of such delinquency would be inequitable: PROVIDED, FURTHER, That when an employer or prospective employer has acquired all or substantially all of the operating assets of an employer, or has acquired an operating department, section, division, or any substantial portion of the business or assets of any employer, which is clearly segregable and identifiable for experience rating purposes, the payroll record and benefit charges of the transferring employer shall be divided between the transferring and acquiring employers in proportion to the payrolls for the four preceding completed calendar quarters attributable to the operating assets retained and conveyed. The successor employer shall be liable for contributions on the acquired business from the date the transfer of the business occurred. The separate account of a predecessor or that part thereof which is transferred shall become the separate account or part of separate account as the case may be of the successor employer.

"Surplus" is an amount of moneys in the unemployment compensation fund deemed in excess of the amount needed to insure the solvency of the fund. The "surplus" is determined in the following manner:

(1) For computations prior to January 1, 1974, the total remuneration paid during the calendar year preceding the computation date shall be multiplied by four percent and the product shall be subtracted from the amount in the fund as of the June 30th

immediately preceding the computation date. If that balance is at least one-tenth of one percent of the total remuneration paid during the calendar year, that portion of the balance not exceeding forty one-hundredths of one percent of the total remuneration paid during the preceding calendar year shall be deemed "surplus". Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

(2) For computations subsequent to January 1, 1974, the allowable "surplus" shall be computed by use of the following table. Column A represents the ratio of the unemployment compensation fund as of the June 30th preceding the computation date to total remuneration for the preceding calendar year. The percentage figures in Column B represent the maximum percentage of total remuneration during the preceding calendar year which may be deemed as "surplus" in view of the corresponding figures in Column A. No amount of the fund shall be declared surplus if the balance in the fund as of the June 30th immediately preceding the computation date is not at least one-tenth of one percent of total remuneration paid during the preceding calendar year in excess of four percent of total remuneration paid during the preceding calendar year. The percentage amount of total remuneration during the preceding calendar year, Column B, may be deemed surplus only to the extent that the balance remaining in the unemployment compensation fund exceeds four percent of the total remuneration paid during the preceding calendar year. Total remuneration paid in this computation is limited to remuneration paid during the calendar year preceding the computation date and reported to the department of employment security on or before the March 31st immediately preceding the computation date.

<u>Column A</u>	<u>Column B</u>
4.1% but less than 4.8%	0.40%
4.8% but less than 5.2%	0.55%
5.2% or more	0.70%

(3) In all computations of "surplus" moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Sec. 12. Section 13, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.040 are each amended to read as follows:

For the rate year 1971 and each rate year thereafter an annual decrease quotient factor and a benefit charge-back factor shall be computed for each qualified employer, each to be determined as provided in subsections (1) and (2) hereof respectively:

(1) To determine a qualified employer's average annual decrease quotient his payroll for the three experience rating years immediately preceding the computation date shall be listed in chronological order. The first annual decrease quotient shall be obtained by dividing any decrease in his payroll between the first and second of his experience rating years by the payroll for the first of such years, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The second annual decrease quotient shall be obtained by dividing any decrease in his payroll between the second and third of the listed experience rating years by the payroll for the second listed year, the division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. The employer's average annual decrease quotient shall be obtained by adding his first and second decrease quotients, if any, and dividing by two. The employer's average annual decrease quotient shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule.

The annual decrease quotient of a qualified employer who has payrolls for fewer than three experience rating years shall be obtained by dividing any decrease of the employer's payroll in the experience rating year immediately preceding the computation date from the payroll in the preceding experience rating year by the amount of the payroll in such preceding experience rating year, such division being carried to the fourth decimal place, with the remaining fraction, if any, disregarded. This annual decrease quotient shall be deemed to be his average annual decrease quotient and shall determine the point value to be assigned to such employer as his annual decrease quotient factor in accordance with the following schedule:

<u>Annual Decrease Quotient</u>	<u>Point Value</u>
0.0000-0.0124	10
0.0125-0.0249	9
0.0250-0.0374	8
0.0375-0.0499	7
0.0500-0.0749	6
0.0750-0.0999	5
0.1000-0.1499	4
0.1500-0.1999	3
0.2000-0.2499	2
0.2500 or more	1

(2) The charge-back ratio for a qualified employer shall be the quotient obtained by dividing the total benefits charged to his account during the thirty-six consecutive month period immediately preceding the computation date by his payroll for the same thirty-six month period as reported ((not later than August 31 immediately following the computation)) by the cut-off date, except that the charge-back ratio of any qualified employer whose account has been chargeable for a period of fewer than thirty-six months immediately prior to the computation date shall be the quotient obtained by dividing total benefits charged to his account, prior to the computation date, by his payroll set forth as follows: The payroll shall be that reported by ((August 31 immediately following the computation)) the cut-off date, for the period beginning with the first day of the second calendar quarter following the calendar quarter in which he became liable, and through the end of the calendar quarter immediately preceding the computation date. The charge-back ratios shall be extended to four decimal places, with the remaining fraction, if any, disregarded. The charge-back ratios so obtained shall determine the point value to be assigned each employer as his charge-back factor in accordance with the following schedule:

<u>Charge-back Ratios</u>	<u>Point Value</u>
Less than 0.0010	10
0.0010-0.0039	9
0.0040-0.0079	8
0.0080-0.0119	7
0.0120-0.0159	6
0.0160-0.0199	5
0.0200-0.0219	4
0.0220-0.0239	3
0.0240-0.0269	2
0.0270 and over	1

Sec. 13. Section 15, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.060 are each amended to read as follows:

Effective January 1, 1971, predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer at the time of the transfer, his contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(2) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(3) If the successor is not an employer at the time of the transfer, he shall pay contributions for the remainder of the rate year in which the transfer occurs at the rate assigned to the predecessor employer.

(4) If the successor is not an employer at the time of the transfer and simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, his rate from the date the transfer occurred until the end of the rate year in which such transfer occurred shall be ((the same as the highest rate assigned to one of the predecessors)) a recomputed rate based on the combined experience of his predecessors as of the cut-off date for that rate year.

(5) In all cases, from and after January 1, following the transfer, the successor's contribution rate for each rate year shall be based on his experience with payrolls and benefits combined with the experience of his predecessor or predecessors, as of the regular computation date for that rate year.

(6) In all cases, from and after January 1 following the transfer, the predecessor's contribution rate for each rate year shall be based on his experience with payrolls and benefits, as of the regular computation date for that rate year, excluding therefrom such experience as was credited to the successor or successors under other provisions of this title: PROVIDED, That if all of the predecessor's experience with payrolls and benefits is transferred to a successor or successors the predecessor shall not be a qualified employer within the meaning of RCW 50.29.010 until his account following the date of the transfer has been chargeable with benefits throughout not less than thirty-six consecutive months immediately preceding the computation date.

Sec. 14. Section 16, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.070 are each amended to read as follows:

Within a reasonable time after the computation date, each employer shall be notified of the total amount of benefits charged to his account during the twelve-month period immediately preceding the computation date and, upon request, the amount of such charges with respect to each individual receiving unemployment benefits charged to his account.

Within a reasonable time after the computation date each employer shall be notified of his rate of contribution as determined for the succeeding rate year.

At the time of mailing rate notices any employer who, prior to the cut-off date has acquired all or substantially all of the operating assets, or has acquired an operating department, section, division, or any substantial portion of the business or assets, of any employer who was not a qualified employer as defined in RCW 50.29.010 because of having failed to pay all contributions required under this title by the cut-off date, shall be furnished a special delinquency statement showing the amount unpaid and the rate of contribution to which such successor employer will be entitled if the

amount is paid within twenty days.

Any employer dissatisfied with the benefit charges made to his account or with his determined rate may file a request for review and redetermination with the commissioner within thirty days of the mailing of the notice to the employer, showing the reason for such request. Should such request for review and redetermination be denied, the employer may, within ten days of the mailing of such notice of denial, file with the appeal tribunal a petition for hearing which shall be heard in the same manner as a petition for denial of refund. The appellate procedure prescribed by this title for further appeal shall apply to all denials of review and redetermination under this section.

Sec. 15. Section 125, chapter 35, Laws of 1945 and RCW 50.32.090 are each amended to read as follows:

Any decision of the commissioner involving a review of an appeal tribunal decision, in the absence of ((an appeal)) a petition therefrom as provided ((by this title)) in RCW 34.04.130, shall become final thirty days after ((the date of mailing written notification thereof and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies provided in this title for hearing by an appeal tribunal and for review of the appeal tribunal's decision by the commissioner)) service. The commissioner shall be deemed to be a party to any judicial action involving any such decision and shall be represented in any such judicial action by the attorney general.

Sec. 16. Section 128, chapter 35, Laws of 1945 as amended by section 119, chapter 81, Laws of 1971 and RCW 50.32.120 are each amended to read as follows:

((Within thirty days after any commissioner's decision, involving review of an appeal tribunal's decision, has been communicated to any interested party, such interested party may appeal to the superior court of the county of his residence, and such appeal shall be heard as a case in equity, but upon such appeal only such issues of law may be raised as were properly included in the hearing before the appeal tribunal. The proceedings of every such appeal shall be informal and summary, but full opportunity to be heard upon the issues of law shall be had before judgment is pronounced. Such appeal shall be perfected by serving a notice of appeal on the commissioner personally, by personal service, or by mailing a copy thereof to the commissioner, and by filing the notice of appeal together with proof of service thereof with the clerk of the court and by complying with the requirements of this title relating to undertakings on appeal. The service and the filing together with proof of service of the notice of appeal and compliance with the provisions of this title relating to undertakings on appeal

all within thirty days; shall be jurisdictional. The commissioner shall within twenty days after receipt of such notice of appeal serve and file his notice of appearance upon appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The commissioner shall serve upon the appellant and file with the clerk of the court before hearing; a certified copy of his complete record of the administrative proceedings which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the supreme court or the court of appeals as in other civil cases.)

Judicial review of a decision of the commissioner involving the review of an appeals tribunal decision may be had only in accordance with the procedural requirements of RCW 34.04.130.

Sec. 17. Section 129, chapter 35, Laws of 1945 as amended by section 120, chapter 81, Laws of 1971 and RCW 50.32.130 are each amended to read as follows:

No bond of any kind shall be required of any individual ((appealing to the superior court or the supreme court or the court of appeals)) seeking judicial review from a commissioner's decision affecting such individual's application for initial determination or claim for waiting period credit or for benefits.

No ((appeal from a)) commissioner's decision ((by any other interested party shall be deemed to be perfected nor shall the court have jurisdiction thereof unless within the thirty day appeal period provided by this title for service and filing of notice of appeal the appellant shall first have deposited with the commissioner the sum theretofore determined by the commissioner to be due from such appellant; if any; together with interest thereon; if any; and in addition thereto shall have filed with the commissioner an undertaking in such amount and with such sureties as the superior court shall approve to the effect that appellant will pay all costs which may be adjudged against him in the prosecution of such appeal. At the option of the appellant such undertaking may be in a sum sufficient to guarantee payment of the amount previously determined by the commissioner to be due from the appellant; if any; together with interest; if any; in addition to an amount approved by the court as sufficient to pay all costs which may be adjudged against appellant in prosecution of such appeal; in which event the appellant shall not be required to deposit any sum with the commissioner as a condition precedent to the taking of an appeal to the superior court. In the event of an appeal to the supreme court or the court of appeals; a deposit or undertaking shall be required of the appellant guaranteeing payment of all sums for which appellant may be adjudged liable; including costs. Such deposit or undertaking shall be approved by the superior court and filed with either the clerk of the

supreme court or the court of appeals within the time allowed for appeal in civil cases. The jurisdictional requirements of this section are in addition to the provisions of this title relating to the service and filing of a notice of appeal)) shall be stayed by a petition for judicial review unless the petitioning employer shall first deposit an undertaking in an amount theretofore deemed by the commissioner to be due, if any, from the petitioning employer, together with interest thereon, if any, with the commissioner or in the registry of the court; PROVIDED, HOWEVER, That this section shall not be deemed to authorize a stay in the payment of benefits to an individual when such individual has been held entitled thereto by a decision of the commissioner which decision either affirms, reverses, or modifies a decision of an appeals tribunal.

Sec. 18. Section 130, chapter 35, Laws of 1945 and RCW 50.32.140 are each amended to read as follows:

((Appeals)) RCW 34.04.130 to the contrary notwithstanding, petitions to the superior court from decisions of the commissioner dealing with the applications or claims relating to benefit payments which were filed outside of this state with an authorized representative of the commissioner shall be ((taken to)) filed with the superior court of Thurston county which shall have the ((sole jurisdiction)) original venue of such appeals.

NEW SECTION. Sec. 19. There is hereby added to chapter 35, Laws of 1945 and to chapter 50.24 RCW a new section to read as follows:

For the purposes of liability for, collection of, and assessment of contributions, wages shall be deemed paid when such wages are contractually due but are unpaid because of the refusal or inability of the employer to make such payment.

NEW SECTION. Sec. 20. Section 47.64.050, chapter 13, Laws of 1961 and RCW 47.64.050 are each hereby repealed.

NEW SECTION. Sec. 21. This 1973 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 July 1, 1973.

Passed the House March 9, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 159

[Substitute House Bill No. 429]

STATE-WIDE BASE MAPPING--COORDINATED SYSTEM

AN ACT Relating to state-wide base mapping; and adding a new chapter to Title 58 RCW.

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

NEW SECTION. Section 1. It is the intent of the legislature to establish a coordinated system of state base maps to assist all levels of government to more effectively provide the information to meet their responsibilities for resource planning and management.

It is further the legislature's intent to eliminate duplication, to insure compatibility, and to create coordination through a uniform base which all agencies will use.

It is in the interest of all citizens in the state of Washington that a state base mapping system be established to make essential base maps available at cost to all users, both public and private.

NEW SECTION. Sec. 2. The department of natural resources shall establish and maintain a state base mapping system. The standards for the state base mapping system shall be:

(1) A series of fifteen minute United States geological survey quadrangle map separates at a scale of one to 48,000 (one inch equals 4,000 feet) covering the entire state;

(2) A series of seven and one-half minute United States geological survey quadrangle map separates at a scale of one to 24,000 (one inch equals 2,000 feet) for urban areas; including but not limited to those identified as urban by the state highway department for the United States department of commerce, bureau of public roads.

All features and symbols added to the quadrangle separates shall meet as nearly as is practical national map accuracy standards and specifications as defined by the United States geological survey for their fifteen minute and seven and one-half minute quadrangle map separates.

Each quadrangle shall be revised by the department of natural resources as necessary to reflect current conditions.

NEW SECTION. Sec. 3. Any state agency purchasing or acquiring United States geological survey quadrangle map separates shall do so through the department of natural resources.

NEW SECTION. Sec. 4. The department of natural resources shall be the primary depository of all United States geological survey quadrangle map separates for state agencies: PROVIDED, That any state agency may maintain duplicate copies.

NEW SECTION. Sec. 5. (1) All United States geological survey quadrangle map separates shall be available at cost to all state agencies, local agencies, the federal government, and any private individual or company through duplication and purchase.

The department shall coordinate all requests for the use of United States geological survey quadrangle map separates and shall provide advice on how to best use the system.

(2) The department shall maintain a catalogue showing all United States geological survey quadrangle map separates available. The department shall also catalogue information describing additional separates or products created by users. Copies of maps made for any state or local agency shall be available to any other state or local agency.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 58 RCW.

It is further the legislature's intent to eliminate duplication, to insure compatibility, and to create coordination through a uniform base which all agencies will use.

Passed the House March 9, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 160

[House Bill No. 444]

MOTOR VEHICLE FUEL TAX--ALLOCATIONS--
CITY STREET USE

AN ACT Relating to motor vehicle fuel tax; and amending section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 24, Laws of 1972 ex. sess. and RCW 82.36.020.

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

Section 1. Section 82.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 24, Laws of 1972 ex. sess. and RCW 82.36.020 are each amended to read as follows:

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of nine cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: PROVIDED, That under such regulations as the director may prescribe

sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel.

The proceeds of the nine cents excise tax collected on the net gallonage after the deduction provided for herein shall be distributed as follows:

(1) Seven cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended: PROVIDED, That from July 1, 1972 through June 30, 1976, six and seven-eighths cents shall be distributed between the state, cities, counties, and Puget Sound ferry operations account in the motor vehicle fund under the provisions of RCW 46.68.090 and 46.68.100 as now or hereafter amended.

(2) Five-eighths of one cent shall be distributed to the state and expended pursuant to RCW 46.68.150.

(3) Five-eighths of one cent shall be paid into the motor vehicle fund and credited to the urban arterial trust account created by RCW 47.26.080.

(4) One-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350: PROVIDED, That from July 1, 1972 through June 30, 1976, three-eighths of one cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350.

(5) One-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110, subject to the provisions of RCW 35.76.050: PROVIDED, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be used exclusively for the construction, improvement and repair of arterial highways and city streets as ~~((that))~~ those terms ~~((is))~~ are defined in RCW 46.04.030 and 46.04.120, or for the payment of any municipal indebtedness which may be incurred after June 12, 1963 in the construction, improvement and repair of arterial highways and city streets as ~~((that))~~ those terms ~~((is))~~ are defined in RCW 46.04.030 and 46.04.120. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in

RCW 46.68.090.

Passed the House March 9, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 161

[House Bill No. 483]

CONTRACTORS' REGISTRATION--EXEMPTIONS,
ELECTRICAL CONTRACTORS

AN ACT Relating to registration of contractors; amending section 9, chapter 77, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1967 and RCW 18.27.090; and adding a new section to chapter 18.27 RCW.

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

Section 1. Section 9, chapter 77, Laws of 1963 as last amended by section 3, chapter 126, Laws of 1967 and RCW 18.27.090 are each amended to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance or development work incidental to their own business;

(4) Any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than two hundred-fifty dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than two hundred-fifty dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, ((an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision)) an electrical contractor as licensed under the laws of the state of Washington and chapter 19.28 RCW. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the highway department to perform highway construction, reconstruction or maintenance work.

NEW SECTION. Sec. 2. There is added to chapter 18.27 RCW a new section to read as follows:

It is the purpose of this chapter to afford protection to the public from unreliable, fraudulent, financially irresponsible, or incompetent contractors.

Passed the House March 14, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 162

[House Bill No. 485]

INSURANCE

AN ACT Relating to insurance; amending section .12.03, chapter 79, Laws of 1947 and RCW 48.12.030; amending section .12.04, chapter 79, Laws of 1947 and RCW 48.12.040; amending section .12.06, chapter 79, Laws of 1947 and RCW 48.12.060; amending section .12.15, chapter 79, Laws of 1947 as last amended by section 13, chapter 195, Laws of 1963 and RCW 48.12.150; amending section .23.35, chapter 79, Laws of 1947 as last amended by section 20, chapter 195, Laws of 1963 and RCW 48.23.350; and amending section .23.36, chapter 79, Laws of 1947 as amended by section 1, chapter 190, Laws of 1951 and RCW 48.23.360.

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

Section 1. Section .12.03, chapter 79, Laws of 1947 and RCW 48.12.030 are each amended to read as follows:

In any determination of the financial condition of an insurer, liabilities to be charged against its assets shall include:

- (1) The amount of its capital stock outstanding, if any; and
- (2) The amount, estimated consistent with the provisions of this chapter, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expense of adjustment or settlement thereof; and

(3) With reference to life and disability insurance, and annuity contracts,

(a) the amount of reserves on life insurance policies and annuity contracts in force (including disability benefits for both active and disabled lives, and accidental death benefits, in or supplementary thereto) and disability insurance, valued according to the tables of mortality, tables of morbidity, rates of interest, and methods adopted pursuant to this chapter which are applicable thereto; and

(b) ~~((reserves for disability benefits; for both active and disabled lives;~~

~~(c) reserves for accidental death benefits; and~~

~~(d)) any additional reserves which may be required by the commissioner, consistent with practice formulated or approved by the National Association of Insurance Commissioners, on account of such insurances; and~~

(4) With reference to insurances other than those specified in subdivision (3) of this section, and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this chapter; and

(5) Taxes, expenses, and other obligations accrued at the date of the statement; and

(6) Any additional reserve set up by the insurer for a specific liability purpose or required by the commissioner consistent with practices adopted or approved by the National Association of Insurance Commissioners.

Sec. 2. Section .12.04, chapter 79, Laws of 1947 and RCW 48.12.040 are each amended to read as follows:

(1) With reference to insurances against loss or damage to property, except as provided in RCW 48.12.050, and with reference to all general casualty insurances, ~~((disability insurance except as provided in RCW 48.12.060))~~ and surety insurances, every insurer shall maintain an unearned premium reserve on all policies in force.

(2) The commissioner may require that such reserve shall be equal to the unearned portions of the gross premiums in force after deducting authorized reinsurance, as computed on each respective risk from the policy's date of issue. If the commissioner does not so require, the portions of the gross premiums in force, less authorized reinsurance, to be held as a premium reserve, shall be computed according to the following table:

Term for which policy was written	Reserve for unearned premium
One year, or less	1/2
Two years	3/4

	Second year	1/4
Three years	First year	5/6
	Second year	1/2
	Third year	1/6
Four years	First year	7/8
	Second year	5/8
	Third year	3/8
	Fourth year	1/8
Five years	First year	9/10
	Second year	7/10
	Third year	1/2
	Fourth year	3/10
	Fifth year	1/10
Over five years.....	Pro rata	

(3) In lieu of computation according to such table, all of such reserves may be computed, at the insurer's option, on a monthly pro rata basis.

(4) After adopting any one of the methods for computing such reserve an insurer shall not change methods without the commissioner's approval.

Sec. 3. Section .12.06, chapter 79, Laws of 1947 and RCW 48.12.060 are each amended to read as follows:

~~((1) The legal minimum standard for computing the active life reserve; including the unearned premium reserve; of noncancellable disability policies shall be based on Conference Modification of Class III Disability Experience with interest at not to exceed three and one-half percent per annum on the full preliminary term basis:~~

~~{2} For policies with a waiting period of less than three months or providing benefits at ages beyond the limits of Conference Modification of Class III Disability Experience; the tables shall be extended to cover the provisions of such policies on such basis as the commissioner may approve:~~

~~{3} The reserve for losses under noncancellable disability policies shall be based on Conference Modification of Class III Disability Experience; except that for claims of less than twenty-seven months duration the reserve may be taken as equivalent to the prospective claim payments for three and one-half times the elapsed period of disability; but in no case shall the reserve be less than the equivalent of seven weeks claim payments:~~

~~{4} The commissioner shall modify the application of the tables and requirements prescribed in this section to policies or to claims arising under policies in accordance with the waiting period contained in such policies and in accordance with any limitation as to the time for which indemnity is payable:)) For all disability insurance policies the insurer shall maintain an active life reserve~~

which shall place a sound value on its liabilities under such policies and be not less than the reserve according to appropriate standards set forth in regulations issued by the commissioner and, in no event, less in the aggregate than the pro rata gross unearned premiums for such policies.

Sec. 4. Section .12.15, chapter 79, Laws of 1947 as last amended by section 13, chapter 195, Laws of 1963 and RCW 48.12.150 are each amended to read as follows:

(1) This section shall be known as the standard valuation law.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve liabilities (hereinafter called reserves) for all outstanding life insurance policies and annuity and pure endowment contracts of every life insurer doing business in this state, except that in the case of an alien insurer such valuation shall be limited to its insurance transactions in the United States, and may certify the amount of any such reserves, specifying the mortality table or tables, rate or rates of interest and methods (net level premium method or others) used in the calculation of such reserves. In calculating such reserves, the commissioner may use group methods and approximate averages for fractions of a year or otherwise. He may accept, in his discretion, the insurer's calculation of such reserves. In lieu of the valuation of the reserves herein required of any foreign or alien insurer, he may accept any valuation made, or caused to be made, by the insurance supervisory official of any state or other jurisdiction when such valuation complies with the minimum standard herein provided and if the official of such state or jurisdiction accepts as sufficient and valid for all legal purposes the certificate of valuation of the commissioner when such certificate states the valuation to have been made in a specified manner according to which the aggregate reserves would be at least as large as if they had been computed in the manner prescribed by the law of that state or jurisdiction.

(3) Minimum valuation standard:

(a) The minimum standard for the valuation of all such policies and contracts issued prior to the operative date of RCW 48.23.350 shall be as follows:

For policies issued prior to the operative date no standard of valuation for ordinary policies, whether on the net level premium, preliminary term, or select and ultimate reserve basis, shall be less than that determined upon such basis according to the American Experience Table of Mortality with three and one-half percent interest; except, that when the preliminary term basis is used it shall not exceed one year. The commissioner may vary the standard of valuation in particular cases of invalid lives and other extra hazards, provided, that the interest rate used is not greater than

three and one-half percent.

Except as otherwise provided in subsection (3) (b) (ii) of this section the legal minimum standard for the valuation of annuities issued on or after January 1, 1912, and prior to the operative date of RCW 48.23.350, shall be McClintock's Table of Mortality Among Annuitants, with interest at three and one-half percent per annum, but annuities deferred ten or more years and written in connection with life or term insurance may be valued on the same mortality table from which the consideration or premiums were computed, with interest not higher than three and one-half percent per annum.

The legal minimum standard for the valuation of industrial policies issued on or after the first day of January, 1912, and prior to the operative date of RCW 48.23.350, shall be the American Experience Table of Mortality with interest at three and one-half percent per annum; except, that any life insurer may voluntarily value such industrial policies according to the Standard Industrial Mortality Table or the Substandard Industrial Mortality Table.

The legal minimum standard for the valuation of group life insurance policies under which premium rates are not guaranteed for a period in excess of five years shall be, at the option of the life insurer issuing such policies, either the American Men Ultimate Table of Mortality, the Commissioners 1941 Standard Ordinary Mortality Table, or any other table approved by the commissioner, with interest at three and one-half percent per annum.

(b) (i) Except as otherwise provided in subsection (3) (b) (ii) of this section the minimum standard for the valuation of all such policies and contracts issued on or after the operative date of RCW 48.23.350 shall be the Commissioners Reserve Valuation Method defined in subsection (4) of this section, three and one-half percent interest or in the case of policies and contracts, other than annuity and pure endowment contracts, issued on or after the effective date of this 1973 amendatory act, four percent interest, and the following tables:

~~((1))~~ (A) For all ordinary policies of life insurance issued on the standard basis, excluding any disability and accidental death benefits in such policies,--the Commissioners 1941 Standard Ordinary Mortality Table for such policies issued prior to the operative date of RCW 48.23.350 (5a), and the Commissioners 1958 Standard Ordinary Mortality Table for such policies issued on or after such operative date: PROVIDED, That for any category of such policies issued on female risks on or after July 1, 1957, modified net premiums and present values, referred to in subsection (4) of this section, may be calculated according to an age not more than three years younger than the actual age of the insured.

~~((i+i))~~ (B) For all industrial life insurance policies issued on the standard basis, excluding any disability and accidental death benefits in such policies,--the 1941 Standard Industrial Mortality Table for such policies issued prior to the operative date of RCW 48.23.350(5b), and the Commissioners 1961 Standard Industrial Mortality Table for such policies issued on or after such operative date.

~~((i+i))~~ (C) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,--the 1937 Standard Annuity Mortality Table or, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner.

~~((i+v))~~ (D) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such policies,--the Group Annuity Mortality Table for 1951, any modification of such table approved by the commissioner, or, at the option of the insurer, any of the tables or modifications of tables specified for individual annuity and pure endowment contracts.

~~((i+v))~~ (E) For total and permanent disability benefits in or supplementary to ordinary policies or contracts,--for policies or contracts issued on or after January 1, 1966, the tables of Period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 Disability Study of the Society of Actuaries, with due regard to the type of benefit; for policies or contracts issued on or after January 1, 1961, and prior to January 1, 1966, either such tables or, at the option of the insurer, the Class (3) Disability Table (1926); and for policies issued prior to January 1, 1961, the Class (3) Disability Table (1926). Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance policies.

~~((i+v))~~ (F) For accidental death benefits in or supplementary to policies,--for policies issued on or after January 1, 1966, the 1959 Accidental Death Benefits Table; for policies issued on or after January 1, 1961, and prior to January 1, 1966, either such table or, at the option of the insurer, the Inter-Company Double Indemnity Mortality Table; and for policies issued prior to January 1, 1961, the Inter-Company Double Indemnity Mortality Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance policies.

~~((i+v))~~ (G) For group life insurance, life insurance issued on the substandard basis and other special benefits,--such tables as may be approved by the commissioner.

(ii) The minimum standard for the valuation of all individual annuity and pure endowment contracts issued on or after the operative

date of this subsection and for all annuities and pure endowments purchased on or after such operative date under group annuity and pure endowment contracts, shall be the commissioners reserve valuation method defined in subsection (4) of this section and the following tables and interest rates:

(A) For individual annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts, the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner, and six percent interest for single premium immediate annuity contracts, and four percent interest for all other individual annuity and pure endowment contracts,

(B) For group annuity and pure endowment contracts, excluding any disability and accidental death benefits in such contracts the 1971 Group Mortality Table, or any modification of this table approved by the commissioner, and six percent interest.

After the effective date of this 1973 amendatory act any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before January 1, 1979, which shall be the operative date of this subsection for such insurer, provided that an insurer may elect a different operative date for individual annuity and pure endowment contracts from that elected for group annuity and pure endowment contracts. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1979.

(4) Commissioners Reserve Valuation Method: Reserves according to the Commissioners Reserve Valuation Method, for the life insurance and endowment benefits of policies providing for a uniform amount of insurance and requiring the payment of uniform premiums shall be the excess, if any, of the present value, at the date of valuation, of such future guaranteed benefits provided for by such policies, over the then present value of any future modified net premiums therefor. The modified net premiums for any such policy shall be such uniform percentage of the respective contract premiums for such benefits (excluding extra premiums on a substandard policy) that the present value, at the date of issue of the policy, of all such modified net premiums shall be equal to the sum of the then present value of such benefits provided for by the policy and the excess of (a) over (b) as follows:

(a) A net level annual premium equal to the present value, at the date of issue, of such benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per annum payable on the first and each subsequent anniversary of such policy on which a premium falls due; provided,

however, that such net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan for insurance of the same amount at an age one year higher than the age at issue of such policy.

(b) A net one-year term premium for such benefits provided for in the first policy year.

Reserves according to the Commissioners Reserve Valuation Method for (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this ((paragraph)) subsection.

(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life insurance policies, excluding disability and accidental death benefits, issued on or after the operative date of RCW 48.23.350, be less than the aggregate reserves calculated in accordance with the method set forth in subsection (4) and the mortality table or tables and rate or rates of interest used in calculating nonforfeiture benefits for such policies.

(6) Optional reserve bases: Reserves for all policies and contracts issued prior to the operative date of RCW 48.23.350 may be calculated, at the option of the insurer, according to any standards which produce greater aggregate reserves for all such policies and contracts than the minimum reserves required by the laws in effect immediately prior to such date.

For any category of policies, contracts or benefits specified in subsection (3) of this section, issued on or after the operative date of RCW 48.23.350, reserves may be calculated, at the option of the insurer, according to any standard or standards which produce greater aggregate reserves for such category than those calculated according to the minimum standard herein provided, but the rate or rates of interest used shall not be higher than the corresponding rate or rates of interest used in calculating any nonforfeiture benefits provided for therein: PROVIDED, That reserves for participating life insurance policies issued on or after the operative date of RCW 48.23.350 may, with the consent of the commissioner, be calculated according to a rate of interest lower than the rate of interest used in calculating the nonforfeiture benefits in such policies, with the further proviso that if such lower rate differs from the rate used in the calculation of the nonforfeiture benefits by more than one-half percent the insurer issuing such policies shall file with the commissioner a plan

providing for such equitable increases, if any, in the cash surrender values and nonforfeiture benefits in such policies as the commissioner shall approve.

Any such insurer which at any time had adopted any standard of valuation producing greater aggregate reserves than those calculated according to the minimum standard herein provided may, with the approval of the commissioner, adopt any lower standard of valuation, but not lower than the minimum herein provided.

(7) Deficiency reserve: If the gross premium charged by any life insurer on any policy or contract is less than the net premium for the policy or contract according to the mortality table, rate of interest and method used in calculating the reserve thereon, there shall be maintained on such policy or contract a deficiency reserve in addition to all other reserves required by law. For each such policy or contract the deficiency reserve shall be the present value, according to such standard, of an annuity of the difference between such net premium and the premium charged for such policy or contract, running for the remainder of the premium-paying period.

Sec. 5. Section .23.35, chapter 79, Laws of 1947 as last amended by section 20, chapter 195, Laws of 1963 and RCW 48.23.350 are each amended to read as follows:

(1) This section shall be known as the standard nonforfeiture law.

(2) Nonforfeiture provisions--Life: In the case of policies issued on or after the operative date of this section as defined in subsection (8), no policy of life insurance, except as stated in subsection (7), shall be delivered or issued for delivery in this state unless it shall contain in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the defaulting or surrendering policyholder:

(a) That, in the event of default in any premium payment, the insurer will grant, upon proper request not later than sixty days after the due date of the premium in default, a paid-up nonforfeiture benefit on a plan stipulated in the policy, effective as of such due date, of such value as may be hereinafter specified.

(b) That, upon surrender of the policy within sixty days after the due date of any premium payment in default after premiums have been paid for at least three full years in the case of ordinary insurance or five full years in the case of industrial insurance, the insurer will pay, in lieu of any paid-up nonforfeiture benefit, a cash surrender value of such amount as may be hereinafter specified.

(c) That a specified paid-up nonforfeiture benefit shall become effective as specified in the policy unless the person entitled to make such election elects another available option not

later than sixty days after the due date of the premium in default.

(d) That, if the policy shall have become paid-up by completion of all premium payments or if it is continued under any paid-up nonforfeiture benefits which become effective on or after the third policy anniversary in the case of ordinary insurance or the fifth policy anniversary in the case of industrial insurance, the insurer will pay, upon surrender of the policy within thirty days after any policy anniversary, a cash surrender value of such amount as may be hereinafter specified.

(e) A statement of the mortality table and interest rate used in calculating the cash surrender values and the paid-up nonforfeiture benefits available under the policy, together with a table showing the cash surrender value, if any, and paid-up nonforfeiture benefit, if any, available under the policy on each policy anniversary either during the first twenty policy years or during the term of the policy, whichever is shorter, such values and benefits to be calculated upon the assumption that there are no dividends or paid-up additions credited to the policy and that there is no indebtedness to the insurer on the policy.

(f) A statement that the cash surrender values and the paid-up nonforfeiture benefits available under the policy are not less than the minimum values and benefits required by or pursuant to the insurance law of this state; an explanation of the manner in which the cash surrender values and the paid-up nonforfeiture benefits are altered by the existence of any paid-up additions credited to the policy or any indebtedness to the insurer on the policy; if a detailed statement of the method of computation of the values and benefits shown in the policy is not stated therein, a statement that such method of computation has been filed with the insurance supervisory official of the state in which the policy is delivered; and a statement of the method to be used in calculating the cash surrender value and paid-up nonforfeiture benefit available under the policy on any policy anniversary beyond the last anniversary for which such values and benefits are consecutively shown in the policy.

Any of the foregoing provisions or portions thereof not applicable by reason of the plan of insurance may, to the extent inapplicable, be omitted from the policy.

The insurer shall reserve the right to defer the payment of any cash surrender value for a period of six months after demand therefor with surrender of the policy.

(3) Cash surrender value--Life: Any cash surrender value available under the policy in the event of default in a premium payment due on any policy anniversary, whether or not required by subsection (2) of this section, shall be an amount not less than the excess, if any, of the present value, on such anniversary, of the

future guaranteed benefits which would have been provided for by the policy including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the adjusted premiums as defined in subsections (5), (5a) and (5b) of this section corresponding to premiums which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the insurer on account of or secured by the policy. Any cash surrender value available within thirty days after any policy anniversary under any policy paid-up by completion of all premium payments or any policy continued under any paid-up nonforfeiture benefits whether or not required by such subsection (2), shall be an amount not less than the present value, on such anniversary, of the future guaranteed benefits provided for by the policy including any existing paid-up additions, decreased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit--Life: Any paid-up nonforfeiture benefit available under the policy in the event of default in a premium payment due on any policy anniversary shall be such that its present value as of such anniversary shall be at least equal to the cash surrender value then provided for by the policy or, if none is provided for, that cash surrender value which would have been required by this section in the absence of the condition that premiums shall have been paid for at least a specified period.

(5) The adjusted premium--Life: Except as provided in the third paragraph of this subsection, the adjusted premiums for any policy shall be calculated on an annual basis and shall be such uniform percentage of the respective premiums specified in the policy for each policy year, excluding extra premiums on a substandard policy, that the present value, at the date of issue of the policy, of all such adjusted premiums shall be equal to the sum of (a) the then present value of the future guaranteed benefits provided for by the policy; (b) two percent of the amount of insurance, if the insurance be uniform in amount, or of the equivalent uniform amount, as hereinafter defined, if the amount of insurance varies with duration of the policy; (c) forty percent of the adjusted premium for the first policy year; (d) twenty-five percent of either the adjusted premium for the first policy year or the adjusted premium for a whole life policy of the same uniform or equivalent uniform amount with uniform premiums for the whole of life issued at the same age for the same amount of insurance, whichever is less: PROVIDED, That in applying the percentages specified in (c) and (d) above, no adjusted premium shall be deemed to exceed four percent of the amount of insurance or uniform amount equivalent thereto. Whenever the plan or term of a policy has been changed, either by request of the insured or automatically in accordance with the provisions of the policy, the

date of inception of the changed policy for the purposes of determining a nonforfeiture benefit or cash surrender value shall be the date as of which the age of the insured is determined for the purpose of the changed policy.

In the case of a policy providing an amount of insurance varying with duration of the policy, the equivalent uniform amount thereof for the purpose of this subsection shall be deemed to be the uniform amount of insurance provided by an otherwise similar policy, containing the same endowment benefit or benefits, if any, issued at the same age and for the same term, the amount of which does not vary with duration and the benefits under which have the same present value at the date of issue as the benefits under the policy, provided, however, that in the case of a policy, providing a varying amount of insurance issued on the life of a child under age ten, the equivalent uniform amount may be computed as though the amount of insurance provided by the policy prior to the attainment of age ten were the amount provided by such policy at age ten.

The adjusted premiums for any policy providing term insurance benefits by rider or supplemental policy provision shall be equal to (i) the adjusted premiums for an otherwise similar policy issued at the same age without such term insurance benefits, increased, during the period for which premiums for such term insurance benefits are payable, by (ii) the adjusted premiums for such term insurance, the foregoing items (i) and (ii) being calculated separately and as specified in the first two paragraphs of this subsection except that, for the purposes of (b), (c) and (d) of the first such paragraph, the amount of insurance or equivalent uniform amount of insurance used in the calculation of the adjusted premiums referred to in (ii) shall be equal to the excess of the corresponding amount determined for the entire policy over the amount used in the calculation of the adjusted premiums in (i).

Except as otherwise provided in subsections (5a) and (5b) of this section, all adjusted premiums and present values referred to in this section shall for all policies of ordinary insurance be calculated on the basis of the Commissioners 1941 Standard Ordinary Mortality Table: PROVIDED, That for any category of ordinary insurance issued on female risks on or after July 1, 1957, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured, and such calculations for all policies of industrial insurance shall be made on the basis of the 1941 Standard Industrial Mortality Table. All calculations shall be made on the basis of the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits: PROVIDED, That in calculating the present

value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than one hundred and thirty percent of the rates of mortality according to such applicable table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

(5a) In the case of ordinary policies issued on or after the operative date of this subsection (5a) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1958 Standard Ordinary Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits, provided, that such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies issued on or after the effective date of this 1973 amendatory act, and provided that for any category of ordinary insurance issued on female risks, adjusted premiums and present values may be calculated according to an age not more than three years younger than the actual age of the insured. Provided, however, that in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1958 Extended Term Insurance Table. Provided, further, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

On or after June 11, 1959, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection, either as to designated ordinary policies or as to all ordinary policies issued by it, after a specified date before January 1, 1966. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection as to such policies for such insurer), this subsection shall become operative with respect to such policies thereafter issued by such insurer. If an insurer makes no such election, or so elects to have this subsection apply as to certain of its ordinary policies only, the operative date of this subsection as to all of the ordinary policies issued by such insurer (other than those policies as to which the insurer has elected an earlier operative date as hereinabove provided) shall be January 1, 1966.

(5b) In the case of industrial policies issued on or after the

operative date of this subsection (5b) as defined herein, all adjusted premiums and present values referred to in this section shall be calculated on the basis of the Commissioners 1961 Standard Industrial Mortality Table and the rate of interest, not exceeding three and one-half percent per annum, specified in the policy for calculating cash surrender values and paid-up nonforfeiture benefits; PROVIDED, That such rate of interest shall not exceed three and one-half percent per annum except that a rate of interest not exceeding four percent per annum may be used for policies on or after the effective date of this 1973 amendatory act: PROVIDED, That in calculating the present value of any paid-up term insurance with accompanying pure endowment, if any, offered as a nonforfeiture benefit, the rates of mortality assumed may be not more than those shown in the Commissioners 1961 Industrial Extended Term Insurance Table: PROVIDED FURTHER, That for insurance issued on a substandard basis, the calculation of any such adjusted premiums and present values may be based on such other table of mortality as may be specified by the insurer and approved by the commissioner.

After the effective date of this amendatory act of 1963, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this subsection after a specified date before January 1, 1968. After the filing of such notice, then upon such specified date (which shall be the operative date of this subsection for such insurer), this subsection shall become operative with respect to the industrial policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this subsection for such insurer shall be January 1, 1968.

(6) Calculation of values--Life: Any cash surrender value and any paid-up nonforfeiture benefit, available under the policy in the event of default in a premium payment due at any time other than on the policy anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional premiums beyond the last preceding policy anniversary. All values referred to in subsections (3), (4), (5), (5a) and (5b) of this section may be calculated upon the assumption that any death benefit is payable at the end of the policy year of death. The net value of any paid-up additions, other than paid-up term additions, shall be not less than the dividends used to provide such additions. Notwithstanding the provisions of subsection (3) of this section, additional benefits payable (a) in the event of death or dismemberment by accident or accidental means, (b) in the event of total and permanent disability, (c) as reversionary annuity or deferred reversionary annuity benefits, (d) as term insurance benefits provided by a rider or supplemental policy provision to which, if issued as a separate policy, this section

would not apply, (e) as term insurance on the life of a child or on the lives of children provided in a policy on the life of a parent of the child, if such term insurance expires before the child's age is twenty-six, is uniform in amount after the child's age is one, and has not become paid-up by reason of the death of a parent of the child, and (f) as other policy benefits additional to life insurance and endowment benefits, and premiums for all such additional benefits, shall be disregarded in ascertaining cash surrender values and nonforfeiture benefits required by this section, and no such additional benefits shall be required to be included in any paid-up nonforfeiture benefits.

(7) Exceptions: This section shall not apply to any reinsurance, group insurance, pure endowment, annuity or reversionary annuity contract, nor to any term policy of uniform amount, or renewal thereof, of fifteen years or less expiring before age sixty-six, for which uniform premiums are payable during the entire term of the policy, nor to any term policy of decreasing amount on which each adjusted premium, calculated as specified in subsections (5), (5a) and (5b) of this section, is less than the adjusted premium so calculated, on such fifteen year term policy issued at the same age and for the same initial amount of insurance, nor to any policy which shall be delivered outside this state through an agent or other representative of the insurer issuing the policy.

(8) Operative date: After the effective date of this section, any insurer may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1948. After the filing of such notice, then upon such specified date (which shall be the operative date for such insurer), this section shall become operative with respect to the policies thereafter issued by such insurer. If an insurer makes no such election, the operative date of this section for such insurer shall be July 1, 1948.

Sec. 6. Section .23.36, chapter 79, Laws of 1947 as amended by section 1, chapter 190, Laws of 1951 and RCW 48.23.360 are each amended to read as follows:

(1) Nonforfeiture benefits: Any paid-up nonforfeiture benefit available under any annuity or pure endowment contract pursuant to RCW 48.23.200, in the event of default in a consideration due on any contract anniversary shall be such that its present value as of such anniversary shall be not less than the excess, if any, of the present value, on such anniversary, of the future guaranteed benefits (excluding any total disability benefits attached to such contracts) which would have been provided for by the contract including any existing paid-up additions, if there had been no default, over the sum of (a) the then present value of the net consideration defined in

subsection (2) of this section corresponding to considerations which would have fallen due on and after such anniversary, and (b) the amount of any indebtedness to the company on the contract, including interest due or accrued. In determining the benefits referred to in this section and in calculating the net consideration referred to in such subsection (2), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional dates, the annuity payments shall be deemed to commence at the latest date permitted by the contract for the commencement of such payments and the considerations shall be deemed to be payable until such date, which, however, shall not be later than the contract anniversary nearest the annuitant's seventieth birthday.

(2) Net considerations: The net considerations for any annuity or pure endowment contract referred to in subsection (1) of this section shall be calculated on an annual basis, shall be such that the present value thereof at date of issue of the annuity shall equal the then present value of the future benefits thereunder (excluding any total disability benefits attached to such contracts) and shall be not less than the following percentages of the respective considerations specified in the contracts for the respective contract years:

- First yearfifty percent
- Second and subsequent years ninety percent

PROVIDED, That in the case of participating annuity contracts the percentages hereinbefore specified may be decreased by five.

(3) Basis of calculation: All net considerations and present values for such contracts referred to in this section shall be calculated on the basis of the 1937 Standard Annuity Mortality Table ((for such table with reasonable adjustment of the age of the life or lives on which the contract is based)) OR, at the option of the insurer, the Annuity Mortality Table for 1949, Ultimate, or any modification of either of these tables approved by the commissioner, and the rate of interest, not exceeding three and one-half percent per annum, specified in the contract for calculating cash surrender values, if any, and paid-up nonforfeiture benefits; except that with respect to annuity and pure endowment contracts issued on or after the operative date of RCW 48.12.150(3)(b)(ii) for such contracts, such rate of interest may be as high as four percent per annum; PROVIDED, That if such rate of interest exceeds three and one-half percent per annum, all net considerations and present values for such contracts referred to in this section shall be calculated on the 1971 Individual Annuity Mortality Table, or any modification of this table approved by the commissioner.

(4) Calculations on default: Any cash surrender value and any paid-up nonforfeiture benefit, available under any such contract in

the event of default in the payment of any consideration due at any time other than on the contract anniversary, shall be calculated with allowance for the lapse of time and the payment of fractional considerations beyond the last preceding contract anniversary. All values herein referred to may be calculated upon the assumption that any death benefit is payable at the end of the contract year of death.

(5) Deferment of payment: If an insurer provides for the payment of a cash surrender value, it shall reserve the right to defer the payment of such value for a period of six months after demand therefor with surrender of the contract.

(6) Lump sum in lieu: Notwithstanding the requirements of this section, any deferred annuity contract may provide that if the annuity allowed under any paid-up nonforfeiture benefit would be less than one hundred twenty dollars annually, the insurer may at its option grant a cash surrender value in lieu of such paid-up nonforfeiture benefit of such amount as may be required by subsection (3) of this section.

(7) Operative date: If no election is made by an insurer for an operative date prior to July 1, 1948, such date shall be the operative date for this section.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 163

[House Bill No. 531]

ESCROW OFFICER EXAMINEES--INSURANCE

AN ACT Relating to insurance; amending section 10, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.230; amending section .18.02, chapter 79, Laws of 1947 as amended by section 4, chapter 17, Laws of 1970 ex. sess. and RCW 48.18.020; amending section 2, chapter 104, Laws of 1969 and RCW 48.18A.020; amending section 3, chapter 104, Laws of 1969 and RCW 48.18A.030; amending section 5, chapter 104, Laws of 1969 and RCW 48.18A.050; amending section 6, chapter 104, Laws of 1969 and RCW 48.18A.060; amending section .24.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 195, Laws of 1963 and RCW 48.24.060; amending section .24.07, chapter 79, Laws of 1947 as last amended by section 1, chapter 86, Laws of 1963 and RCW 48.24.070; adding a new section to chapter 79, Laws of

1947 and to chapter 48.18 RCW; adding a new section to chapter 79, Laws of 1947 and to chapter 48.36 RCW; and repealing section .18.38, chapter 79, Laws of 1947 and RCW 48.18.380.

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

Section 1. Section 10, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.230 are each amended to read as follows:

No examination will be given unless the applicant has one year within the three years immediately preceding application of full time experience in the handling of escrow transactions or in comparable or allied fields, as may be determined from time to time by the escrow commission; and the applicant must be ~~((twenty-one))~~ eighteen years of age or older.

Completion of ~~((college level))~~ post high school educational courses of the nature and extent prescribed by the escrow commission may be substituted for the experience requirement.

Sec. 2. Section .18.02, chapter 79, Laws of 1947 as amended by section 4, chapter 17, Laws of 1970 ex. sess. and RCW 48.18.020 are each amended to read as follows:

(1) Any person eighteen years or older shall be considered of full legal age and may contract for or with respect to insurance. Any person seventeen years or younger shall be considered a minor for purposes of Title 48 RCW.

(2) A minor not less than fifteen years of age as at nearest birthday may, notwithstanding such minority, contract for life or disability insurance on his own life or body, for his own benefit or for the benefit of his father, mother, spouse, child, brother, sister, or grandparent, and may exercise all rights and powers with respect to or under the contract as though of full legal age, and may surrender his interest therein and give a valid discharge for any benefit accruing or money payable thereunder. The minor shall not, by reason of his minority, be entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege thereunder, except, that such minor, not otherwise emancipated, shall not be bound by any unperformed agreement to pay, by promissory note or otherwise any premium on any such insurance contract.

NEW SECTION. Sec. 3. There is added to chapter 79, Laws of 1947 and to chapter 48.18 RCW a new section to read as follows:

A person whose life is insured under a group insurance policy may, subject and pursuant to the terms of the policy, or pursuant to an arrangement between the insured, the group policyholder and the insurer, assign to any or all his spouse, children, parents, or a trust for the benefit of any or all of them, all or any part of his incidents of ownership, rights, title, and interests, both present and future, under such policy including specifically, but not by way of limitation, the right to designate a beneficiary or beneficiaries

thereunder and the right to have an individual policy issued to him in case of termination of employment or of said group insurance policy. Such an assignment by the insured, made either before or after the effective date of this section, is valid for the purpose of vesting in the assignee, in accordance with any provisions included therein as to the time at which it is to be effective, all of such incidents of ownership, rights, title, and interests so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment. This section acknowledges, declares, and codifies the existing right of assignment of interests under group insurance policies.

Sec. 4. Section 2, chapter 104, Laws of 1969 and RCW 48.18A.020 are each amended to read as follows:

A domestic life insurer may, by or pursuant to resolution of its board of directors, establish one or more separate accounts, and may allocate thereto amounts ~~((to provide for annuities and other benefits))~~ (including without limitation proceeds applied under optional modes of settlement or under dividend options) to provide for life insurance or annuities (and other benefits incidental thereto), payable in fixed or variable amounts or both, subject to the following:

(1) The income, gains, and losses, realized or unrealized, from assets allocated to a separate account shall be credited to or charged against the account, without regard to other income, gains, or losses of the insurer.

(2) (a) Except as hereinafter provided, amounts allocated to any separate account and accumulations thereon may be invested and reinvested without regard to any requirements or limitations prescribed by the laws of this state governing the investments of life ~~((insurance companies))~~ insurers: PROVIDED, That to the extent that the ~~((company's))~~ insurer's reserve liability with regard to (i) benefits guaranteed as to dollar amount and duration, and (ii) funds guaranteed as to principal amount or stated rate of interest is maintained in any separate account, a portion of the assets of such separate account at least equal to such reserve liability shall be ~~((except as the commissioner may otherwise approve, invested in accordance with the laws of this state governing the investments of life insurance companies))~~ invested under such conditions as the commissioner may prescribe. The investments in such separate account or accounts shall not be taken into account in applying the investment limitations applicable to the investments of the ~~((company))~~ insurer.

(b) With respect to seventy-five percent of the market value of the total assets in a separate account no ~~((company))~~ insurer

shall purchase or otherwise acquire the securities of any issuer, other than securities issued or guaranteed as to principal or interest by the United States, if immediately after such purchase or acquisition the market value of such investment, together with prior investments of such separate account in such security taken at market value, would exceed ten percent of the market value of the assets of ((said)) such separate account: PROVIDED, That the commissioner may waive such limitation if, in his opinion, such waiver will not render the operation of such separate account hazardous to the public or the policyholders in this state.

(c) ((No separate account shall be invested in the voting securities of a single issuer if such investment would result in the insurer owning an amount in excess of)) Unless otherwise permitted by law or approved by the commissioner, no insurer shall purchase or otherwise acquire for its separate accounts the voting securities of any issuer if as a result of such acquisition the insurer and its separate accounts, in the aggregate, will own more than ten percent of the total issued and outstanding voting securities of such issuer: PROVIDED, That the foregoing shall not apply with respect to securities held in separate accounts, the voting rights in which are exercisable only in accordance with instructions from persons having interests in such accounts.

(d) The limitations provided in paragraphs (b) and (c) of this subsection shall not apply to the investment with respect to a separate account in the securities of an investment company registered under the United States Investment Company Act of 1940: PROVIDED, That the investments of such investment company shall comply in substance therewith.

(3) Unless otherwise approved by the commissioner, assets allocated to a separate account shall be valued at their market value on the date of valuation, or if there is no readily available market, then as provided under the terms of the contract or the rules or other written agreement applicable to such separate account: PROVIDED, That unless otherwise approved by the commissioner, ((a)) the portion, if any, of the assets of such separate account equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in subsection (2) of this section ((7 if any)) shall be valued in accordance with the rules otherwise applicable to the insurer's assets.

(4) Amounts allocated to a separate account in the exercise of the power granted by this chapter shall be owned by the insurer and the insurer shall not be, nor hold itself out to be, a trustee with respect to such amounts. If and to the extent so provided under the applicable contracts, that portion of the assets of any such separate account equal to the reserves and other contract liabilities with

respect to such account shall not be chargeable with liabilities arising out of any other business the insurer may conduct.

(5) No sale, exchange or other transfer of assets may be made by an insurer between any of its separate accounts or between any other investment account and one or more of its separate accounts unless, in case of a transfer into a separate account, such transfer is made solely to establish the account or to support the operation of the contracts with respect to the separate account to which the transfer is made, and unless such transfer, whether into or from a separate account, is made (a) by a transfer of cash, or (b) by a transfer of securities having a readily determinable market value: PROVIDED, That such transfer of securities is approved by the commissioner. The commissioner may approve other transfers among such accounts, if, in his opinion, such transfers would not be inequitable.

(6) To the extent such insurer deems it necessary to comply with any applicable federal or state law, such insurer, with respect to any separate account, including without limitation any separate account which is a management investment company or a unit investment trust, may provide for persons having interest therein, as may be appropriate, voting and other rights and special procedures for the conduct of the business of such account, including without limitation, special rights and procedures relating to investment policy, investment advisory services, selection of independent public accountants, and the selection of a committee, the members of which need not be otherwise affiliated with such insurer, to manage the business of such account.

Sec. 5. Section 3, chapter 104, Laws of 1969 and RCW 48.18A.030 are each amended to read as follows:

(1) Every variable contract providing benefits payable in variable amounts delivered or issued for delivery in this state shall contain a statement of the essential features of the procedures to be followed by the insurer in determining the dollar amount of such variable benefits. Any such (~~variable~~) contract under which the benefits vary to reflect investment experience, including a group contract and any certificate in evidence of variable benefits issued thereunder, shall state that such dollar amount will so vary (~~to reflect investment experience~~) and shall contain on its first page a statement to the effect that the benefits thereunder are on a variable basis.

(2) Variable annuity contracts delivered or issued for delivery in this state may include as an incidental benefit provision for payment on death during the deferred period of an amount not in excess of the greater of the sum of the premiums or stipulated payments paid under the contract or the value of the contract at time

of death. For this purpose such benefit shall not be deemed to be life insurance and therefore not subject to any statutory provisions governing life insurance contracts. A provision for any other benefits on death during the deferred period will be subject to such insurance law provisions.

Sec. 6. Section 5, chapter 104, Laws of 1969 and RCW 48.18A.050 are each amended to read as follows:

The provisions of RCW (~~(48.23.140)~~) 48.23.020, 48.23.030, 48.23.080 through 48.23.120, 48.23.140, 48.23.150, 48.23.200 through 48.23.240, 48.23.310, 48.23.350, and 48.23.360, and the provisions of chapter 48.24 RCW shall be inapplicable to variable contracts; nor shall any provision in the code requiring contracts to be participating be deemed applicable to variable contracts. Except as otherwise provided in this chapter, all pertinent provisions of the insurance code shall apply to separate accounts and contracts relating thereto. Any individual variable life insurance or individual variable annuity contract delivered or issued for delivery in this state shall contain grace, reinstatement, and nonforfeiture provisions appropriate to such contracts, and any such variable life insurance contract shall provide that the investment experience of the separate account shall in no event operate to reduce the death benefit below an amount equal to the face amount of the contract at the time the contract was issued. Any individual variable life insurance contract may contain a provision for deduction from the death proceeds of amounts of due and unpaid premiums or of indebtedness which are appropriate to such contracts. The reserve liability for variable annuities shall be established in accordance with actuarial procedures that recognize the variable nature of the benefits provided and any mortality guarantees.

Sec. 7. Section 6, chapter 104, Laws of 1969 and RCW 48.18A.060 are each amended to read as follows:

Licensing requirement. No person shall be or act as an agent for the solicitation or sale of (~~such policies or~~) variable contracts except while duly appointed and licensed under the insurance code as a life insurance agent with respect to the insurer, and while duly licensed as a security salesman or securities broker under a license issued by the administrator of securities pursuant to the securities act of this state; except that any person who participates only in the sale or offering for sale of variable contracts which fund corporate plans meeting the requirements for qualification under sections 401 or 403 of the United States internal revenue code need not be licensed pursuant to the securities act of this state.

Sec. 8. Section .24.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 195, Laws of 1963 and RCW 48.24.060

are each amended to read as follows:

The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. Such amounts shall in no event exceed ((five)) fifteen thousand dollars of life insurance in the case of any employee or member, and the amount of life insurance shall not exceed one thousand five hundred dollars in the case of retired employees or members and persons over age sixty-five.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political

subdivision or instrumentality of any of them.

Sec. 9. Section .24.07, chapter 79, Laws of 1947 as last amended by section 1, chapter 86, Laws of 1963 and RCW 48.24.070 are each amended to read as follows:

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers ((in the same industry)) or by two or more employer members of an employers' association, or by one or more labor unions, or by one or more employers ((in the same industry)) and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) If the policy is issued to two or more employer members of an employers' association, such policy may be issued only if (a) the association has been in existence for at least five years and was formed for purposes other than obtaining insurance and (b) the participating employers, meaning such employer members whose employees are to be insured, constitute at date of issue at least fifty percent of the total employers eligible to participate, unless the number of persons covered at date of issue exceeds six hundred, in which event such participating employers must constitute at least twenty-five percent of such total employers in either case omitting from consideration any employer whose employees are already covered for group life insurance.

(2) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

(3) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to whom evidence of insurability is not satisfactory to the insurer, elect to

make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The policy must cover at least fifty persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

NEW SECTION. Sec. 10. There is added to chapter 79, Laws of 1947 and to chapter 48.36 RCW a new section to read as follows:

Chapter 48.18A RCW, as from time to time amended, shall also apply as to domestic fraternal benefit societies operating on the legal reserve basis, and such a society shall be deemed to be a "life insurer" for the purpose of such chapter.

NEW SECTION. Sec. 11. Section .18.38, chapter 79, Laws of 1947 and RCW 48.18.380 are each repealed.

Passed the House March 16, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 164

[House Bill No. 564]

CITIES AND TOWNS--ANNEXATION

AN ACT Relating to cities and towns; amending section 35.02.150, chapter 7, Laws of 1965 and RCW 35.02.150; amending section 35.13.015, chapter 7, Laws of 1965 as last amended by section 6, chapter 52, Laws of 1970 ex. sess. and RCW 35.13.015; amending section 35.13.020, chapter 7, Laws of 1965 as last amended by section 8, chapter 73, Laws of 1967 and RCW 35.13.020; amending section 35.13.040, chapter 7, Laws of 1965 and RCW 35.13.040; amending section 35.13.050, chapter 7, Laws of 1965 and RCW 35.13.050; amending section 35.13.060, chapter 7, Laws of 1965 and RCW 35.13.060; amending section 35.13.080, chapter 7, Laws of 1965 as last amended by section 10, chapter 73, Laws of 1967 and RCW 35.13.080; amending section 35.13.090, chapter 7, Laws of 1965 as last amended by section 11, chapter 73, Laws of 1967 and RCW 35.13.090; amending section 35.13.100, chapter 7, Laws of 1965 as last amended by section 12, chapter 73, Laws of 1967 and RCW 35.13.100;

amending section 35.13.110, chapter 7, Laws of 1965 as last amended by section 13, chapter 73, Laws of 1967 and RCW 35.13.110; amending section 35.13.125, chapter 7, Laws of 1965 as last amended by section 1, chapter 69, Laws of 1971 and RCW 35.13.125; amending section 35.13.130, chapter 7, Laws of 1965 as last amended by section 2, chapter 69, Laws of 1971 and RCW 35.13.130; amending section 35.13.160, chapter 7, Laws of 1965 as amended by section 12, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.160; amending section 35.13.171, chapter 7, Laws of 1965 and RCW 35.13.171; amending section 35.13.172, chapter 7, Laws of 1965 and RCW 35.13.172; amending section 35.13.173, chapter 7, Laws of 1965 and RCW 35.13.173; amending section 35.13.174, chapter 7, Laws of 1965 and RCW 35.13.174; and amending section 35.13.175, chapter 7, Laws of 1965 and RCW 35.13.175.

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

Section 1. Section 35.02.150, chapter 7, Laws of 1965 and RCW 35.02.150 are each amended to read as follows:

After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation (~~(or)~~) and no petition or resolution for annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn, or a new petition embracing other or different boundaries may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition.

Sec. 2. Section 35.13.015, chapter 7, Laws of 1965 as last amended by section 6, chapter 52, Laws of 1970 ex. sess. and RCW 35.13.015 are each amended to read as follows:

In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray

for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition.

Sec. 3. Section 35.13.020, chapter 7, Laws of 1965 as last amended by section 8, chapter 73, Laws of 1967 and RCW 35.13.020 are each amended to read as follows:

A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: PROVIDED, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060. ((The

proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition.) In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned. The proposition or questions provided for in this section may be submitted to the voters either separately or as a single proposition.

Sec. 4. Section 35.13.040, chapter 7, Laws of 1965 and RCW 35.13.040 are each amended to read as follows:

Upon the filing of approval by the review board of a twenty percent annexation petition under the election method to call an annexation election, the board of county commissioners at its next meeting shall fix a date for hearing thereon to be held not less than two weeks nor more than four weeks thereafter, of which hearing the petitioners must give notice by publication (~~(for)~~) once each week at least two weeks prior thereto in some newspaper (~~(printed and published in the city or town to which)~~) of general circulation in the area (~~(is)~~) proposed to be annexed. Upon the day fixed, the board shall hear the petition, and if it complies with the requirements of law and has been approved by the review board, shall grant it. The hearing may be continued from time to time for an aggregate period not exceeding two weeks.

Sec. 5. Section 35.13.050, chapter 7, Laws of 1965 and RCW 35.13.050 are each amended to read as follows:

After the filing with the board of county commissioners of a petition or resolution pursuant to RCW 35.13.015 to call an annexation election, pending the hearing (~~(thereon)~~) under the twenty percent annexation petition under the election method and pending the election to be called thereunder, the board of county

commissioners shall not consider any other petition or resolution involving any portion of the territory embraced therein: PROVIDED, That the petition or resolution may be withdrawn or a new petition or resolution embracing other or different boundaries substituted therefor by a majority of the signers thereof, or in the case of a resolution, by the legislative body of the city or town, and the same proceeding shall be taken as in the case of an original petition or resolution.

Sec. 6. Section 35.13.060, chapter 7, Laws of 1965 and RCW 35.13.060 are each amended to read as follows:

Upon granting the petition under the twenty percent annexation petition under the election method, the board of county commissioners shall fix a date for the annexation election, which must be not less than thirty nor more than sixty days thereafter.

Sec. 7. Section 35.13.080, chapter 7, Laws of 1965 as last amended by section 10, chapter 73, Laws of 1967 and RCW 35.13.080 are each amended to read as follows:

Notice of an annexation election shall particularly describe the boundaries of the area proposed to be annexed, describe the boundaries of the proposed service area if the simultaneous creation of a community municipal corporation is provided for, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, or contain the words "For annexation and adoption of comprehensive plan" and "Against annexation and adoption of comprehensive plan" or words equivalent thereto in case the simultaneous adoption of a comprehensive plan is proposed, and, if appropriate, the words "For creation of community municipal corporation" and "Against creation of community municipal corporation" or words equivalent thereto, or contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation" or words equivalent thereto in case the simultaneous creation of a community municipal corporation is proposed, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto and if only a portion of the indebtedness of the annexing city or town is to be assumed, an appropriate separate proposition for and against the assumption of such portion of the indebtedness shall be submitted to the voters. If the creation of a community municipal corporation and election of community council members is provided for, the notice shall also require the voters within the service area to cast ballots for candidates for positions on such council. The notice shall be

posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published ((for at least two weeks)) in accordance with the notice required by RCW 29.27.080 prior to the date of election ((in a newspaper printed and published within the limits of the territory proposed to be annexed, or, if there is no such newspaper, in a newspaper printed and published in the city or town to which the area is proposed to be annexed, or if there is no newspaper published in the city or town;)) in a newspaper of general circulation in the area ((published and printed in the county. Such notice shall be in addition to the notice required by chapter 29.27 RCW)) proposed to be annexed.

Sec. 8. Section 35.13.090, chapter 7, Laws of 1965 as last amended by section 11, chapter 73, Laws of 1967 and RCW 35.13.090 are each amended to read as follows:

On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan, or for or against creation of a community municipal corporation, or any combination thereof, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan, or for creation of the community municipal corporation, or any combination thereof, as the case may be. If a proposition for or against assumption of all or any portion of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan or for creation of a community municipal corporation and the number cast against creation of a community municipal corporation, or any combination thereof, as the case may be, and if a proposition for assumption of all or of any

portion of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election. If the proposition for creation of a community municipal corporation was submitted and approved, the abstract shall include the number of votes cast for the candidates for community council positions and certificates of election shall be issued to the successful candidates who shall assume office within ten days after the election.

Sec. 9. Section 35.13.100, chapter 7, Laws of 1965 as last amended by section 12, chapter 73, Laws of 1967 and RCW 35.13.100 are each amended to read as follows:

Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at the next regular meeting or as soon thereafter as practicable. If a proposition relating to annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, or both, as the case may be was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt an ordinance providing for the annexation and creation of a community municipal corporation, as the case may be. If a proposition for annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, as the case may be, and a proposition for assumption of all or of any portion of indebtedness were both submitted, and were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation including the assumption of all or of any portion of indebtedness. If the propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt ordinances providing for the annexation and creation of a community municipal corporation, as the case may be.

Sec. 10. Section 35.13.110, chapter 7, Laws of 1965 as last amended by section 13, chapter 73, Laws of 1967 and RCW 35.13.110 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation, the area

annexed shall become a part of the city or town. Upon the date fixed in the ordinances of annexation and adoption of the comprehensive plan, the area annexed shall become a part of the city or town and property in the annexed area shall be subject to and a part of the comprehensive plan, as prepared and filed as provided for in RCW 35.13.177 and 35.13.178. Upon the date fixed in the ordinances of annexation and creation of a community municipal corporation, the area annexed shall become a part of the city or town, the community municipal corporation shall be deemed organized, and property in the service area shall be deemed subject to the powers granted to such corporation as provided for in this 1967 amendatory act. All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation.

Sec. 11. Section 35.13.125, chapter 7, Laws of 1965 as last amended by section 1, chapter 69, Laws of 1971 and RCW 35.13.125 are each amended to read as follows:

Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in RCW 28A.58.044, shall be either not less than ten percent of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption all or of any portion of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body.

Sec. 12. Section 35.13.130, chapter 7, Laws of 1965 as last amended by section 2, chapter 69, Laws of 1971 and RCW 35.13.130 are each amended to read as follows:

A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.58.044 authorized, the petition must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. The petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition.

Sec. 13. Section 35.13.160, chapter 7, Laws of 1965 as amended by section 12, chapter 88, Laws of 1965 ex. sess. and RCW 35.13.160 are each amended to read as follows:

Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or of any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the comprehensive plan as prepared and filed as provided for in RCW 35.13.177 and 35.13.178.

Sec. 14. Section 35.13.171, chapter 7, Laws of 1965 and RCW 35.13.171 are each amended to read as follows:

Within ~~((ten))~~ thirty days after the filing of a city's or town's annexation resolution pursuant to RCW 35.13.015 with the board of county commissioners ~~((7))~~ or within ~~((ten))~~ thirty days after filing with the county commissioners a petition calling for an election on annexation, as provided in RCW 35.13.020, or within ~~((ten))~~ thirty days after approval by the legislative body of a city or town of a petition of property owners calling for annexation, as provided in RCW 35.13.130, the mayor of the city or town concerned

that is not subject to the jurisdiction of a boundary review board under chapter 36.93 RCW, shall convene a review board composed of the following persons:

(1) The mayor of the city or town initiating the annexation by resolution, or the mayor in the event of a twenty percent annexation petition pursuant to RCW 35.13.020, or an alternate designated by him;

(2) The chairman of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him;

(3) The director of the ((state department of commerce and economic development)) planning and community affairs agency or any agency successor to the community affairs duties of such agency, or an alternate designated by him((?));

~~((4))~~ The chairman or chairmen of the board of school directors of any or all school districts situated in whole or in part of the area to be annexed;

An) Two additional members to be designated by, ((by a majority of the members above designated, who)) one by the mayor of the annexing city, which member shall be a resident property owner of the city, and one by the chairman of the county legislative authority, which member shall be a resident of and a property owner or a resident or a property owner if there be no resident property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor; PROVIDED FURTHER, That three members of the board shall constitute a quorum.

Sec. 15. Section 35.13.172, chapter 7, Laws of 1965 and RCW 35.13.172 are each amended to read as follows:

Whenever a petition is filed ((by either of the methods)) as provided in RCW 35.13.020 ((and 35.13.130;)) or a resolution is adopted by the city or town council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than two hundred thousand dollars in assessed valuation, ((the mayor of the city or town to which the area is proposed to be annexed and the chairman of the board of county commissioners and county superintendent of schools can agree by majority that a review proceeding, as provided herein, is not necessary for the protection of the interest of the various parties, in which case)) such review procedures shall be dispensed with.

Sec. 16. Section 35.13.173, chapter 7, Laws of 1965 and RCW 35.13.173 are each amended to read as follows:

The review board shall by majority action, within three months, determine whether the property proposed to be annexed is of such character that such annexation would be in the public interest

and for the public welfare, and in the best interest of the city, county, and other political subdivisions affected. The governing officials of the city, county, and other political subdivisions of the state shall assist the review board insofar as their offices can, and all relevant information and records shall be furnished by such offices to the review board. In making their determination the review board shall be guided, but not limited, by their findings with respect to the following factors:

(1) The immediate and prospective populations of the area to be annexed;

(2) The assessed valuation of the area to be annexed, and its relationship to population;

(3) The history of and prospects for construction of improvements in the area to be annexed;

(4) The needs and possibilities for geographical expansion of the city;

(5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks, and other municipal services, and transportation and drainage;

(6) The relative capabilities of the city, county, and other political subdivisions to provide governmental services when the need arises;

(7) The existence of (~~school districts and~~) special districts except school districts within the area proposed to be annexed, and the impact of annexation upon such districts;

(8) The elimination of isolated unincorporated areas existing without adequate economical governmental services;

(9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.

Whether the review board determines for or against annexation, its reasons therefor, along with its findings on the specified factors and other material considerations shall:

(1) ~~((In the case of a petition signed by property owners calling for an annexation without election, be filed with the legislative body of the city or town concerned;~~

~~(2))~~ In the case of a petition signed by registered voters calling for an election on annexation, be filed with the board of county commissioners;

~~((3))~~ (2) In the case of a resolution of a city or town initiating annexation proceedings pursuant to RCW 35.13.015, be filed with the board of county commissioners.

Such findings need not include specific data on every point

listed, but shall indicate that all factors were considered.

A favorable determination by the review board is an essential condition precedent to the annexation of territory to a city or town under either the resolution method pursuant to RCW 35.13.015, or under the twenty percent annexation petition under the election method.

Sec. 17. Section 35.13.174, chapter 7, Laws of 1965 and RCW 35.13.174 are each amended to read as follows:

Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area that has been initiated by resolution pursuant to RCW 35.13.015 by the city or town legislative body, the board of county commissioners shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter.

Sec. 18. Section 35.13.175, chapter 7, Laws of 1965 and RCW 35.13.175 are each amended to read as follows:

After the filing of any petition or resolution for annexation with the board of county commissioners, or city or town council, and pending its final disposition as provided for in this chapter, no other petition or resolution for annexation or petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition.

Passed the House April 4, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 165

[House Bill No. 698]

ELECTIONS--FRAUD AND ERROR
CORRECTION--AFFIDAVIT FILING
DATE

AN ACT Relating to elections; and amending section 29.04.030, chapter 9, Laws of 1965 as amended by section 74, chapter 81, Laws of 1971 and RCW 29.04.030.

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

Section 1. Section 29.04.030, chapter 9, Laws of 1965 as amended by section 74, chapter 81, Laws of 1971 and RCW 29.04.030 are

each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof.

Passed the House March 17, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 166

[House Bill No. 1007]

GRASSHOPPER CONTROL PROGRAM APPROPRIATION

AN ACT Relating to agriculture; making an appropriation for grasshopper control; and declaring an emergency.

NEW SECTION. Section 1. There is appropriated to the department of agriculture from the general fund, the sum of one-hundred thousand dollars, or so much thereof as may be necessary,

for the purpose of a grasshopper control program during calendar year 1973. The funds appropriated by this act shall be used for purposes of matching federal and landowner contributions on a ratio of one-third state general fund moneys, one-third landowner funds, and one-third federal government grant funds.

NEW SECTION. Sec. 2. Before any grasshopper control program shall commence the responsible or cooperating agency or agencies must receive approval from the directors of ecology, fish and game.

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 April 3, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 167

[House Bill No. 1061]

UNEMPLOYMENT COMPENSATION--
RETIREMENT--PREGNANCY

AN ACT Relating to unemployment compensation; amending section 19, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.323; and amending section 3, chapter 286, Laws of 1955 as amended by section 20, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.030.

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

Section 1. Section 19, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.323 are each amended to read as follows:

(1) Any payments which an individual has claimed, is receiving or has received under a government and/or a private retirement pension plan, to which a base year employer has contributed on behalf of such individual, shall be deemed remuneration under this title for the purpose of determining eligibility and the amount of weekly benefits to which such an individual is entitled: PROVIDED, That in no event will old age and survivors insurance benefits, under the provisions of Title II of the federal social security act, as amended, serve to reduce an individual's weekly benefit amount; PROVIDED FURTHER, That commencing with benefit years beginning on and after July 1, 1973, retirement pensions which are based in full on wages earned prior to the base year, and which have been applied for and approved, shall not be deemed remuneration for the purposes of

this title.

(2) Payments claimed or received under a government and/or a private pension plan shall not be considered wages subject to contributions under this title nor shall such payments be considered in determining base year earnings of the individual.

(3) In the event a retroactive retirement or pension payment covers a period in which an individual received benefits under the provisions of this title, the excess paid over the amount to which he would have been entitled had such retirement or pension payment been considered, as provided in subsection (1) above, shall be recoverable under RCW 50.20.190: PROVIDED, HOWEVER, That any amounts which have been deducted from the weekly benefit amount by reason of the provisions of this section shall not be available for future benefits: PROVIDED, FURTHER, That no payments received on account of temporary or permanent disability rather than on account of age or length of service shall be considered compensation paid for personal services.

Sec. 2. Section 3, chapter 286, Laws of 1955 as amended by section 20, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.030 are each amended to read as follows:

A woman who voluntarily quits work because of pregnancy shall be disqualified from benefits for the week in which she quits and thereafter through the terminal week of her pregnancy: PROVIDED, HOWEVER, That in any event a pregnant woman shall be disqualified from receiving benefits for any calendar week ((during the period beginning with the seventeenth calendar week immediately preceding the expected date of confinement, as determined by a doctor, and extending through the sixth calendar week immediately following the week in which childbirth occurs)) either preceding or subsequent to childbirth when she is precluded from engaging in her particular category of employment by reason of a pregnancy related federal or state statute or administrative rule or regulation.

Passed the House April 7, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 168

[House Bill No. 105]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM--
WASHINGTON STATE UNIVERSITY
CLASSIFIED EMPLOYEES TRANSFERS

AN ACT Relating to certain transfers of Washington State University classified employees to the Washington public employees'

retirement system; adding new sections to chapter 41.40 RCW; making an appropriation; declaring an emergency; making certain effective dates; and creating new sections.

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

NEW SECTION. Section 1. There is added to chapter 41.40 RCW a new section to read as follows:

For the purposes of sections 1 through 9 of this 1973 act, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all employees of Washington State University: PROVIDED, That the following employees shall not be included as classified employees for the purposes of this 1973 act: The president of the university; employees of Washington State University in the resident instructional staff, consisting of the vice president--academic, the registrar, deans and directors of teaching units, chairmen of teaching departments, and all members of the faculty who hold academic rank and who conduct courses of instruction; the research staff consisting of the administrative officers and professional personnel of the organized research units and other professional personnel engaged in research who are paid at least in part by the university; the library staff consisting of the director of libraries and professional personnel of the library; the extension staff consisting of the administrative officers and professional personnel whose work pertains primarily to extension services and faculty members in responsible charge of instruction and demonstration work for persons who are not officially enrolled on the campus; the student affairs staff consisting of the administrative officers and professional personnel concerned with student affairs; the intercollegiate athletic staff consisting of the administrative officers and coaching personnel; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; and persons employed in a position primarily as an incident to and furtherance of their education and training, or the education or training of a spouse.

(2) The "Retirement Plan" shall mean the Washington State University retirement system established by the board of regents pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.020, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the Retirement Plan.

(5) "Applicable income" shall mean that income provided by law

and regulations had the person been a member of the Washington public employees' retirement system during each month of Washington State University service and shall include that income earned during the initial six months of Washington State University service irrespective of any provisions of law or regulations promulgated thereunder to the contrary.

(6) "Contributory membership" shall mean that period of time during which an employee was making contributions under the Retirement Plan for purposes of being eligible for a retirement entitlement.

NEW SECTION. Sec. 2. There is added to chapter 41.40 RCW a new section to read as follows:

(1) On and after the effective date of this 1973 act and until January 1, 1974, classified employees at Washington State University presently members of the Retirement Plan may irrevocably transfer membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in sections 3 through 9 of this 1973 act, including rules and regulations promulgated to effect the purposes of sections 1 through 9 of this 1973 act: PROVIDED, That such irrevocable transfers of membership shall be made at the following stated intervals: June 1, 1973, October 1, 1973, or January 1, 1974.

(2) All classified employees employed by Washington State University on and after the effective date of this 1973 act and otherwise eligible shall become members of the Washington public employees' retirement system to the exclusion of any other retirement benefit system at such institution unless otherwise hereafter provided by law.

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

(1) Except as otherwise provided in this 1973 act, upon election by a person to transfer his membership to the Washington public employees' retirement system, as authorized in section 2, subsection (1), of this 1973 act, there shall be transferred from the contract(s) issued under the Retirement Plan to the Washington public employees' retirement system the amount which would have been paid at the rates and on the applicable income (as defined in section 1, subsection (5) of this 1973 act) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of service at Washington State University: PROVIDED, That any person so transferring may elect to eliminate from the membership service credit to be transferred the period of service at Washington State University prior to his contributory membership in the Retirement

Plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid from the date of membership service credit to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the Retirement Plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to Washington State University contributions made in accordance with the Retirement Plan.

NEW SECTION. Sec. 4. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Any person electing to transfer his membership to the Washington public employees' retirement system shall pay, prior to January 1, 1978, an amount equal to the deficiency, if any, between the employee computed share and the employee accumulation or cash value in the contract(s) required to be transferred as provided for in section 3 of this 1973 act.

(2) As specifically provided for by appropriation and subject to the limitations of section 10 of this 1973 act, Washington State University shall pay to the Washington public employees' retirement system an amount equal to the deficiency, if any, between the employer computed share and the employer accumulation or cash value in the contract(s) required to be transferred as provided for in section 3 of this 1973 act.

NEW SECTION. Sec. 5. There is added to chapter 41.40 RCW a new section to read as follows:

Nothing in this 1973 act shall prevent any classified employee at Washington State University presently a member within the Retirement Plan from electing to join the Washington public employees' retirement system if otherwise eligible not later than January 1, 1974 and from electing to retain his rights and benefits under the Retirement Plan, such person's rights under the Washington public employees' retirement system to begin to accrue from such date of membership transfer.

NEW SECTION. Sec. 6. There is added to chapter 41.40 RCW a new section to read as follows:

Any classified employee at Washington State University electing to transfer membership to the Washington public employees' retirement system from the Retirement Plan and seeking to transfer employee contributions made to the Retirement Plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with section 3 of this 1973

act except as otherwise provided by chapter 41.40 RCW.

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

Any classified employee at Washington State University electing to transfer to the Washington public employees' retirement system from the Retirement Plan and transferring his employee share in the Retirement Plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination from the system prior to his death.

NEW SECTION. Sec. 8. There is added to chapter 41.40 RCW a new section to read as follows:

Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make rules and regulations necessary to carry out the purposes of sections 1 through 9 of this 1973 act.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

Notwithstanding any other provision of this 1973 act, any person transferring membership to the Washington public employees' retirement system as authorized in sections 2 through 9 of this 1973 act and who retires on or before January 1, 1978 may elect to make the payments required in section 4 of this 1973 act by a reduction in his or her retirement allowance at such stated intervals as the board shall determine: PROVIDED, That should any such person die before the total of such payments as required in section 4 of this 1973 act have been made, such person having exercised option I, II or III under RCW 41.40.185 or 41.40.190, such payments shall be deducted at the stated intervals from amounts otherwise owing any beneficiary until such time as they become paid in full.

NEW SECTION. Sec. 10. There is hereby appropriated to Washington State University from the general fund for the biennium ending June 30, 1975, four hundred fifteen thousand dollars or so much thereof as may be necessary, as the employer's share of the retirement plan contribution costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. Washington State University shall transfer this appropriation or so much thereof as may be necessary, to the Washington public employees' retirement system on or before January 30, 1974. Should this appropriation be insufficient Washington State University shall request in its 1975-77 budget request an amount sufficient to fully reimburse the Washington public employees' retirement system for any costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. The retirement plan for the

purposes of this section shall be as defined in section 1, subsection (2) of this 1973 act.

NEW SECTION. Sec. 11. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this 1973 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 12, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 169

[House Bill No. 197]

STATE HIGHWAYS, URBAN ARTERIALS--
STATE GENERAL OBLIGATION BONDS

AN ACT Relating to state highways within urban areas and county and city arterials within urban areas, and to general obligation bonds to be issued and sold for the construction thereof; amending section 36, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.400; amending section 37, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.401; amending section 40, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.404; amending section 45, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.420; amending section 46, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.421; amending section 49, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.424; and declaring an emergency.

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

Section 1. Section 36, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.400 are each amended to read as follows:

In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold (~~limited~~) general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of

state highways in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 2. Section 37, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.401 are each amended to read as follows:

Each of such bonds shall be made payable at any time not exceeding (~~twenty-five~~) thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Sec. 3. Section 40, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.404 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall distinctly state that they are (~~not~~) a general obligation of the state of Washington, (~~but are~~) shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407.

Sec. 4. Section 45, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.420 are each amended to read as follows:

In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there shall be issued and sold (~~limited~~) general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission.

Sec. 5. Section 46, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.421 are each amended to read as follows:

Each of such bonds shall be made payable at any time not exceeding (~~twenty-five~~) thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

Sec. 6. Section 49, chapter 83, Laws of 1967 ex. sess. and RCW 47.26.424 are each amended to read as follows:

Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are (~~not~~) a general obligation of the state of Washington, (~~but are~~) shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle fuels imposed by

chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.420 through 47.26.427.

NEW SECTION. Sec. 7. This 1973 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 April 13, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 170

[House Bill No. 369]

VOLUNTEER FIREMEN--PENSION BENEFIT

AN ACT Relating to public pensions for volunteer firemen; amending section 3, chapter 261, Laws of 1945 as last amended by section 19, chapter 6, Laws of 1970 ex. sess. and RCW 41.24.030; amending section 17, chapter 261, Laws of 1945 as last amended by section 5, chapter 118, Laws of 1969 and RCW 41.24.170; amending section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180; amending section 20, chapter 261, Laws of 1945 as last amended by section 4, chapter 57, Laws of 1961 and RCW 41.24.200; and declaring an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE WASHINGTON:

Section 1. Section 3, chapter 261, Laws of 1945 as last amended by section 19, chapter 6, Laws of 1970 ex. sess. and RCW 41.24.030 are each amended to read as follows:

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or

disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of ~~((twenty-two))~~ thirty dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and ~~((twelve))~~ twenty dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund.

Sec. 2. Section 17, chapter 261, Laws of 1945 as last amended by section 5, chapter 118, Laws of 1969 and RCW 41.24.170 are each amended to read as follows:

Whenever any fireman has been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees ~~((may))~~ shall

order and direct that he be retired and be paid a monthly pension ((of twenty-five dollars from the fund)) as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of ((seventy-five)) one hundred dollars from the fund ((upon his attaining the age of sixty-five years and)) for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive ((the twenty-five dollar)) a minimum monthly pension ((herein provided)) of twenty-five dollars increased by the sum of ((two)) three dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, ((upon such fireman attaining the age of sixty-five years and)) for the balance of his life.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension.

Sec. 3. Section 18, chapter 261, Laws of 1945 as amended by section 3, chapter 57, Laws of 1961 and RCW 41.24.180 are each amended to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive

the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself((: PROVIDED, HOWEVER, That this provision shall not be construed as depriving any active fireman from completing the requisite number of years of active service after attaining the age of sixty-five years as may be necessary to entitle him to the pension as herein provided)).

(2) If any fireman dies before attaining the age at which a pension shall be payable to him under the provisions of this chapter, there shall be paid to his widow, or if there be no widow to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees or to his estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he shall have served, there shall be paid to his widow, or if there be no widow then to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees, or to his estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself and the municipality or municipalities in whose department he shall have served and the amount received by him as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he may make application for the return of the amount paid into said fund by himself.

Sec. 4. Section 20, chapter 261, Laws of 1945 as last amended by section 4, chapter 57, Laws of 1961 and RCW 41.24.200 are each amended to read as follows:

The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: PROVIDED, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years service, have made twenty-five annual payments into the fund, and be ((at least)) sixty-five years of age at the time he commences drawing the pension provided for by this chapter, all of which twenty-five years service must have been in the

fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: PROVIDED, HOWEVER, That nothing herein contained shall require any fireman having twenty-five years active service to continue as a fireman (but such fireman if he retires by reason of such service prior to reaching the age of fifty-five years shall be required to pay the total annual retirement fee required of firemen and the municipality up to and including the year in which his fifty-fifth birthday shall occur to be eligible for a pension: PROVIDED FURTHER, That the amount of monthly pension shall not be increased by any such payments after retirement from active service but the pension shall be computed as of the date of retirement from active service) and no fireman who has completed twenty-five years of active service for which annual pension fees have been paid and who continues as a fireman shall be required to pay any additional annual pension fees.

NEW SECTION. Sec. 5. This 1973 amendatory act shall take effect on July 1, 1973.

Passed the House April 12, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 171

[House Bill No. 638]

SECURITIES REGULATION--

DEBENTURE COMPANIES

AN ACT Relating to securities regulation; amending section 21, chapter 282, Laws of 1959 and RCW 21.20.210; amending section 37, chapter 282, Laws of 1959 and RCW 21.20.370; amending section 55, chapter 282, Laws of 1959 and RCW 21.20.550; amending section 56, chapter 282, Laws of 1959 and RCW 21.20.560; adding new sections to chapter 21.20 RCW; imposing penalties; and providing effective dates.

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

Section 1. Section 21, chapter 282, Laws of 1959 and RCW 21.20.210 are each amended to read as follows:

Any security may be registered by qualification. A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to payment of the registration fee prescribed in RCW 21.20.340, and, if required under RCW 21.20.330, a consent to service

of process meeting the requirements of that section:

(1) With respect to the issuer and any significant subsidiary: Its name, address, and form of organization; the state or foreign jurisdiction and date of its organization; the general character and location of its business; and a description of its physical properties and equipment.

(2) With respect to every director and officer of the issuer, or person occupying a similar status or performing similar functions: His name, address, and principal occupation for the past five years; the amount of securities of the issuer held by him as of a specified date within ninety days of the filing of the registration statement; the remuneration paid to all such persons in the aggregate during the past twelve months, and estimated to be paid during the next twelve months, directly or indirectly, by the issuer (together with all predecessors, parents and subsidiaries).

(3) With respect to any person not named in RCW 21.20.210 (2), owning of record, or beneficially if known, ten percent or more of the outstanding shares of any class of equity security of the issuer: The information specified in RCW 21.20.210 (2) other than his occupation.

(4) With respect to every promoter, not named in RCW 21.20.210 (2), if the issuer was organized within the past three years: The information specified in RCW 21.20.210 (2), any amount paid to him by the issuer within that period or intended to be paid to him, and the consideration for any such payment.

(5) The capitalization and long-term debt (on both a current and a pro forma basis) of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and a statement of the amount and kind of consideration (whether in the form of cash, physical assets, services, patents, goodwill, or anything else) for which the issuer or any subsidiary has issued any of its securities within the past two years or is obligated to issue any of its securities.

(6) The kind and amount of securities to be offered; the amount to be offered in this state; the proposed offering price and any variation therefrom at which any portion of the offering is to be made to any persons except as underwriting and selling discounts and commissions; the estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, or anything else of value to accrue to the underwriters in connection with the offering); the estimated amounts of other selling expenses, and legal, engineering, and accounting expenses to be incurred by the issuer in connection with the offering; the name and address of every underwriter and every recipient of a finders' fee; a copy of any underwriting or selling

group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) The estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated, and the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors and the purchase price.

(8) A description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in RCW 21.20.210 (2), (3), (4), (5) or (7) and by any person who holds or will hold ten percent or more in the aggregate of any such options.

(9) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(10) Any adverse order, judgment, or decree previously entered in connection with the offering by any court or the securities and exchange commission; a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities).

(11) A copy of any prospectus or circular intended as of the effective date to be used in connection with the offering.

(12) A specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered.

(13) A signed or conformed copy of an opinion of counsel, if available, as to the legality of the security being registered.

(14) ((A balance sheet of the issuer as of a date within four months prior to the filing of the registration statement; a profit and loss statement and analysis of surplus for each of the three fiscal years preceding the date of the balance sheet and for any period between the close of the last fiscal year and the date of the balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and, if any part of the proceeds of the offering is to be applied to the purchase of any

business, the same financial statements which would be required if that business were the registrant,)) (a) If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, the following statements:

(i) Separate statements of (A) assets, (B) liabilities, and (C) capital shares, as of a date within one hundred twenty days prior to the filing of the registration statement.

(ii) A statement of cash receipts and disbursements for each of at least three full fiscal years prior to the date of the statements furnished pursuant to paragraph (i) above, and for the period, if any, between the close of the last full fiscal year and the date of such statements, or for the period of the issuer's existence if less than the period specified above.

(iii) In such statements, dollar amounts shall be extended only for cash transactions and transactions involving amounts receivable or payable in cash.

(b) If paragraph (a) does not apply to the issuer, there shall be furnished:

(i) Financial statements consisting of a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and as of the date of the end of the last fiscal year if more than four months prior to such filing.

(ii) Statements of income, shareholders' equity, and changes in financial position for each of the three fiscal years preceding the date of the latest balance sheet and for any period between the close of the last fiscal year and the date of the latest balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years.

(iii) If any part of the proceeds of the offering is to be applied to the purchase of any business whose annual sales or revenues are in excess of fifteen percent of the registrant's sales or revenues or involves acquisition of assets in excess of fifteen percent of the registrant's assets, except as specifically exempted by the director, financial statements shall be filed which would be required if that business were the registrant.

(c) If the estimated proceeds to be received from the offering, together with the proceeds from securities registered under this section during the year preceding the date of the filing of this registration statement, exceed one hundred thousand dollars, the statements described in subsection (14)(a)(i) or (14)(b)(i) of this section as of the date of the close of the last fiscal year and the related financial statements specified in subsections (14)(a)(ii) and (14)(b)(iii) of this section for the last fiscal year shall be audited. For registration statements filed after December 31, 1975, and if such proceeds exceed five hundred thousand dollars, the

financial statements specified in subsections (14)(a)(ii) and (14)(b)(iii) of this section for the last two fiscal years shall be audited.

(d) Such financial statements and such other financial information as may be prescribed by the director shall be prepared as to form and content in accordance with the rules and regulations prescribed by the director and shall be audited, as provided in paragraph (c) above, by an independent certified public accountant who is authorized to practice under the laws of the state of Washington and who is not an employee, officer, or member of the board of directors of the issuer or a holder of the securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope. The director may also verify such statements by examining the issuer's books and records.

(15) The written consent of any accountant, engineer, appraiser, attorney, or any person whose profession gives authority to a statement made by him, who is named as having prepared or audited any part of the registration statement or is named as having prepared or audited a report or valuation for use in connection with the registration statement,

Sec. 2. Section 37, chapter 282, Laws of 1959 and RCW 21.20.370 are each amended to read as follows:

The director in his discretion (1) may annually, or more frequently, make such public or private investigations within or without this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) ~~((may))~~ shall publish information concerning any violation of this chapter or any rule or order hereunder.

Sec. 3. Section 55, chapter 282, Laws of 1959 and RCW 21.20.550 are each amended to read as follows:

There is hereby created a state advisory committee which shall consist of seven members to be appointed by the ~~((director))~~ governor on the basis of their experience and qualifications. The membership shall be selected, insofar as possible, on the basis of giving both geographic representation and representation to all phases of the securities business including the legal and accounting professions.

Sec. 4. Section 56, chapter 282, Laws of 1959 and RCW

21.20.560 are each amended to read as follows:

(1) The committee shall select a chairman and a secretary from their group.

(2) Regular meetings may be held quarterly, or semiannually, and special meetings may be called by the ((administrator)) chairman upon at least seven days' written notice to each committee member sent by regular mail.

NEW SECTION. Sec. 5. In addition to the authority conferred in RCW 21.20.370 the director at any time during a public offering whether registered or not, or one year thereafter or at any time that any debt or equity securities which have been sold to the public pursuant to registration under chapter 21.20 RCW are still outstanding obligation of the issuer: (1) May investigate and examine the issuer for the purpose of ascertaining whether there have been violations of chapter 21.20 RCW, regulations thereunder, or conditions expressed in the permit for the public offering; (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated; and (3) may publish information concerning any violation of this chapter or any rule or order hereunder. Said examination and investigation, whether conducted within or without this state, shall include the right to reasonably examine the issuer's books, accounts, records, files, papers, feasibility reports, other pertinent information and obtain written permission from the issuer to consult with the independent accountant who audited the financial statements of the issuer. The reasonable costs of such examination shall be paid by the issuer to the director: PROVIDED, HOWEVER, The issuer shall not be liable for the costs of second or subsequent examinations during a calendar year.

NEW SECTION. Sec. 6. When used in this chapter, unless the context otherwise requires, "debenture company" means an issuer of any securities which is required to be registered under the provisions of this chapter and which is not exempted from such registration requirements by RCW 21.20.310; which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, leasing, or trading in real or chattel mortgages, deeds of trust, or land or personal property contracts, or security agreements and financing statements under the uniform commercial code, or land contracts; and which has issued or proposes to issue notes, debentures and other obligations for money used or to be used as capital of the issuer.

NEW SECTION. Sec. 7. No debenture company shall offer for sale any security other than capital stock which would result in the violation of the following paid-in capital requirements:

(1) For outstanding securities other than capital stock totaling \$1 to \$500,000 there must be at least \$50,000 paid-in capital; said paid-in capital must be in the form of cash or comparable liquid assets as defined by rules and regulations; and

(2) For outstanding securities other than capital stock totaling \$500,001 to \$750,000 there must be at least \$75,000 paid-in capital; said paid-in capital must be in the form of cash or comparable liquid assets as defined by rules and regulations; and

(3) For outstanding securities other than capital stock totaling \$750,001 to \$1,000,000 there must be at least \$100,000 paid-in capital; said paid-in capital must be in the form of cash or comparable liquid assets as defined by rules and regulations.

In addition to the requirements set forth in subsections (1), (2), and (3) of this section, to the extent that a debenture company has outstanding securities other than capital stock totaling in excess of \$1,000,000, the debenture company's paid-in capital, equity reserves, and undivided profits shall be at least five percent of the outstanding securities in excess of \$1,000,000, but not over \$10,000,000, and two and one-half percent additional paid-in capital, equity reserves, and undivided profits for all securities in excess of \$10,000,000: PROVIDED, That the director may for good cause in the interest of the existing investors, waive this requirement: PROVIDED FURTHER, That if the director waives the minimum requirements set forth in this section, any debenture company taking advantage of this waiver shall set aside into its equity reserves and undivided profits, at least five percent of the net earnings of each year, until such time as they can meet the requirements without waiver from the director.

NEW SECTION. Sec. 8. Any debenture company offering debt securities to the public shall provide that at least fifty percent of the amount of those securities sold after July 1, 1973, shall have maturity dates of two years or more.

NEW SECTION. Sec. 9. (1) A director or officer of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him, the same as any other depositor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute

with him a majority of the board of directors.

(2) Neither a director nor an officer shall:

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of the department of motor vehicles or his administrator of securities upon recommendation by the company's board of directors.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real property upon which the debenture company holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he and other directors or officers of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his knowledge or against his protest.

NEW SECTION. Sec. 10. (1) Debenture companies shall not issue certificates of debentures in passbook form, or in such other form which suggests to the holder thereof that such moneys may be withdrawn on demand.

(2) Each certificate of debenture or an application for a certificate shall specify on the face of the certificate or application therefor, in twelve point bold face type or larger, that such debenture is not insured by the United States government, the state of Washington, or any agency thereof.

NEW SECTION. Sec. 11. (1) Every issuer which has registered securities under Washington state securities law shall file with the director reports described in subsection (2) of this section. Such reports shall be filed with the director not more than one hundred twenty days (unless extension of time is granted by the director) after the end of the issuer's fiscal year.

(2) The reports required by subsection (1) of this section shall contain such information, statements and documents regarding the financial and business conditions of the issuer and the number and description of securities of the issuer held by its officers,

directors and controlling shareholders and shall be in such form and filed at such annual times as the director may require by rule or order. For the purposes of sections 9, 11 and 12 of this 1973 amendatory act, a "controlling shareholder" shall mean a person who is directly or indirectly the beneficial holder of more than ten percent of the outstanding voting securities of an issuer.

(3) (a) The reports described in subsection (2) of this section shall include financial statements corresponding to those required under the provisions of RCW 21.20.210 and to the issuer's fiscal year setting forth in comparative form the corresponding information for the preceding year and such financial statements shall be furnished to all shareholders within one hundred twenty days (unless extension of time is granted by the director) after the end of such year, but at least twenty days prior to the date of the annual meeting of shareholders.

(b) Such financial statements shall be prepared as to form and content in accordance with rules and regulations prescribed by the director and shall be audited (except that financial statements filed prior to July 1, 1976 need be audited only as to the most recent fiscal year) by an independent certified public accountant who is not an employee, officer or member of the board of directors of the issuer or a holder of securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope.

(4) The director may by rule or order exempt any issuer or class of issuers from this section for a period of up to one year if he finds that the filing of any such report by a specific issuer or class of issuers is not necessary for the protection of investors and the public interest.

(5) For the purposes of sections 11 and 12 of this 1973 amendatory act, "issuer" does not include issuers of:

(a) Securities registered by the issuer pursuant to section 12 of the securities and exchange act of 1934 as now or hereafter amended or exempted from registration under that act on a basis other than the number of shareholders and total assets.

(b) Securities which are held of record by less than two hundred persons or whose total assets are less than \$500,000 at the close of the issuer's fiscal year.

(6) Any issuer who has been required to file under section 11 of this 1973 amendatory act and who subsequently becomes excluded from the definition of "issuer" by virtue of section 11(5) of this 1973 amendatory act must file a certification setting forth the basis on which they claim to no longer be an issuer within the meaning of this act.

(7) The reports filed under this section shall be filed and maintained by the director for public inspection. Any person is entitled to receive copies thereof from the director upon payment of the reasonable costs of duplication.

(8) Filing of reports pursuant to this section shall not constitute an approval thereof by the director or a finding by the director that the report is true, complete and not misleading. It shall be unlawful to make, or cause to be made, to any prospective purchaser, seller, customer or client, any representation inconsistent with this subsection.

NEW SECTION. Sec. 12. (1) It is unlawful for any person, including the officers and directors of any issuer, to fail to file a report required by section 11 of this 1973 amendatory act or to file any such report which contains an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading unless such person did not know, and in the exercise of reasonable care could not have known, of the failure, untruth or omission. In addition to any other penalties or remedies provided by chapter 21.20 RCW, each officer and director of an issuer which violates this subsection shall be personally liable for damages as provided in subsection (2) of this section if such officer or director:

(a) Had actual notice of the issuer's duty to file reports;

(b) Knew, or in the exercise of reasonable care could have known of the violation; and

(c) Could have prevented the violation.

(2) Any issuer and other person who violate subsection (1) of this section shall be liable jointly and severally for the damages occasioned by such violation, together with reasonable attorney fees and costs to any person who, during the continuation of the violation and without actual notice of the violation, purchases or sells any securities of the issuer within six months following the date the violation commenced.

(3) No suit or action may be commenced under subsection (2) of this section more than one year after the purchase or sale.

(4) Any person held liable under this section shall be entitled to contribution from those jointly and severally liable with him.

NEW SECTION. Sec. 13. In case of a violation of sections 11 and 12 of this 1973 amendatory act, the director may suspend sale or trading by or through a broker-dealer of the securities of the issuer until the failure to file a report or statement or the inaccuracy or omissions in any report or statement are remedied as determined by the director.

NEW SECTION. Sec. 14. This 1973 amendatory act shall take effect on January 1, 1975: PROVIDED HOWEVER, That debenture companies registered pursuant to chapter 21.20 RCW as of January 1, 1974, and for which there are no stop orders outstanding shall have until January 1, 1975, to comply with the requirements of section 7 of this 1973 amendatory act.

NEW SECTION. Sec. 15. If any provision of this 1973 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. 16. Sections 5 through 14 of this 1973 amendatory act are hereby added to chapter 21.20 RCW.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 172

[House Bill No. 827]

COUNTY COMPREHENSIVE PLANS--
PORTIONS OF COUNTIES

AN ACT Relating to land planning; and amending section 36.70.320, chapter 4, Laws of 1963 and RCW 36.70.320 and declaring an emergency.

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

Section 1. Section 36.70.320, chapter 4, Laws of 1963 and RCW 36.70.320 are each amended to read as follows:

Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county, or any portion thereof, and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county. The plan shall be referred to as the comprehensive plan, and, after hearings by the commission and approval by motion of the board, shall be certified as the comprehensive plan. Amendments or additions to the comprehensive plan shall be similarly processed and certified.

Any comprehensive plan adopted for a portion of a county shall not be deemed invalid on the ground that the remainder of the county is not yet covered by a comprehensive plan. This 1973 amendatory act shall also apply to comprehensive plans adopted for portions of a county prior to the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 2. This act is necessary for the immediate

preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 17, 1973.

Passed the Senate April 11, 1973.

Approved by the Governor April 24, 1973.

Filed in Office of Secretary of State April 25, 1973.

CHAPTER 173
[Senate Bill No. 2918]
HERRING FISHING--COMMERCIAL

AN ACT Relating to food fish and shellfish; conserving the herring resources by validating commercial herring licenses; adding new sections to chapter 12, Laws of 1955 and to chapter 75.28 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 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

The legislature finds that a significant commercial herring fishing industry is presently developing in the state of Washington under the careful guidance of the department of fisheries. The legislature further finds that the stocks of herring within the waters of this state are limited in extent and are in need of strict preservation.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

In addition, the legislature finds that the number of commercial fishermen engaged in fishing for herring has steadily increased. This factor, combined with advances made in fishing and marketing techniques, has resulted in strong pressures on the supply of herring, unnecessary waste in one of Washington's valuable resources, and economic loss to the citizens of this state. Therefore, it is the purpose of this act to establish reasonable procedures for controlling the extent of commercial herring fishing.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

After the effective date of this act, only those persons who have obtained a validated license to fish for herring issued by the department of fisheries of the state of Washington shall engage in the commercial taking or catching of herring. Licenses issued under

this section shall be valid for one year, from January 1 through December 31. Any food fish license as stipulated in chapter 75.28 RCW intended for use in fishing for herring in the Puget Sound district must be validated for these species by the department of fisheries after proving compliance with the provisions of section 4 of this act.

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:

For the 1973 season and subsequent seasons, the department shall limit the number of licenses validated under section 3 of this act to those individuals who held valid commercial fishing licenses and can prove that they landed herring as documented by a Washington department of fisheries landing ticket for that type of fishing gear during the period January 1, 1971, through April 1, 1973. The validated herring license shall be required for commercial herring fishing in Puget Sound as set forth in the Washington Administrative Code under section 220-16-210. Additional licenses may be granted after the 1976 season by the department only upon a showing that the stocks of herring will not be jeopardized by the granting of such additional licenses.

NEW SECTION. Sec. 5. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

If subsequent court action requires that additional validated licenses must be permitted for the 1973 season and if such increases in a particular gear result in placing an excessive strain on herring stocks, the department shall reduce the number of validated licenses for such gear by eliminating units with the shortest history of landings as established and documented by Washington department of fisheries' landing tickets for the herring fishery. If two or more units have a similar history of landings, then such reduction for those vessels shall be by lot.

NEW SECTION. Sec. 6. There is added to chapter 12, Laws of 1955 and to chapter 75.28 RCW a new section to read as follows:

There is hereby created a board of review to consist of three members: one of whom shall be appointed by the speaker of the house of representatives, one of whom shall be appointed by the president of the senate and one of whom shall be appointed by the governor.

The board of review shall hear and pass on applications for commercial herring licenses in each hardship or disputed case. The provisions of chapter 34.04 RCW, the administrative procedure act, shall apply to all actions taken by the board of review created by this section.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall

take effect immediately.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of
Section 6 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to
one item, Senate Bill No. 2918 entitled:

Veto
Message

"AN ACT Relating to food fish and shellfish."

This bill establishes a system of regulation of herring fishing in order to preserve this resource within the waters of the state. A major aspect of this act is the requirement that those who commercially fish for herring have a license issued by the department of fisheries. Further, section six establishes a board of review consisting of three members to hear cases of dispute with regard to licenses. Of the three members on the board, one would be appointed by the Governor, one by the President of the Senate and one by the Speaker of the House. This method of appointment exceeds the traditional limits of the doctrine of separation of powers between executive and legislative branches of government. Should the legislature have specific guidelines or requirements to be followed by a board of review they properly belong in the statute establishing such board, not in a provision giving appointing authority to members of the Legislature.

Accordingly, I have determined to veto that item consisting of section six of Senate Bill No. 2918. With that exception, I have approved the remainder of Senate Bill No. 2918."

CHAPTER 174

[Senate Bill No. 2337]

STATE HIGHWAY COMMISSION--
APPROPRIATIONS--EXPENDITURES

AN ACT Relating to expenditures by the Washington state highway
commission; making an appropriation and authorizing

expenditures for the fiscal biennium beginning July 1, 1973, and ending June 30, 1975; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby appropriated to the Washington state highway commission for the biennium ending June 30, 1975..... \$39,481,684, or so much thereof as shall be necessary for reimburseable expenditures for the location, design, right of way, and construction on city streets and county roads, and other nonstate highways, including the unexpended balances of the funds from the sale of bonds for Columbia Basin county roads authorized in chapter 121, Laws of 1951, chapter 311, Laws of 1955, and in chapter 121, Laws of 1965; for reimburseable expenditures on cooperative projects authorized by state and/or federal law; for expenditures to be reimbursed through federal emergency relief acts, reimburseable expenditures for maintenance on city streets, county roads and other nonstate highways, reimburseable expenditures for miscellaneous sales and services to others, reimbursement for all of the above expenditures to be substantially contemporaneous with the expenditures.

NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1975..... \$240,000, 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, as provided in section 11, chapter 281, Laws of 1969 extraordinary session.

NEW SECTION. Sec. 3. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1975..... \$1,800,000, or so much thereof as may be necessary for the completion of location, acquisition of right of way, and construction of two lanes plus necessary interchange structures for an ultimate four-lane parkway connection to The Evergreen State College Campus as provided in section 10, chapter 281, Laws of 1969 extraordinary session: PROVIDED, That no moneys may be expended from this appropriation for construction until Thurston county agrees to accept the completed parkway connection as a county road and to preserve the access control established by the Washington state highway commission.

NEW SECTION. Sec. 4. Notwithstanding the provisions of chapter 144, Laws of 1973, expenditures by state agencies from unanticipated receipts deposited in the contingency receipts fund may be made for obligations incurred prior to June 30, 1973.

NEW SECTION. Sec. 5. Agencies are hereby authorized and directed to pay their share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as

determined by the Employment Security Department, from their 1973-75 appropriations. The director of the office of program planning and fiscal management may require agencies to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 6. If any provisions 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. 7. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 175

[Reengrossed Senate Bill No. 2101]

PLUMBERS--REGULATION AND LICENSING

AN ACT Relating to the regulation of businesses; providing for the regulation and licensing of plumbers; adding a new chapter to Title 18 RCW; and prescribing penalties.

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

NEW SECTION. Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Apprentice plumber" means any person engaged in learning the trade of plumbing and who, under the supervision of a journeyman plumber, performs the actual work necessary to assemble, construct, install, repair, or modify plumbing;

(3) "Department" means the department of labor and industries;

(4) "Director" means the director of department of labor and industries;

(5) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(6) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems and liquid

waste systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter;

(7) "Local enforcement agency" shall mean any local governmental agency involved in the enforcement of plumbing codes and the issuance of journeyman plumbers' licenses.

NEW SECTION. Sec. 2. (1) No person shall engage in the business or trade of plumbing as a journeyman without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) No person shall engage in the business or trade of plumbing as an apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.

NEW SECTION. Sec. 3. Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing so as to qualify him to make an application for a certificate of competency as a journeyman plumber: PROVIDED, That completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the Coordinating Council on Occupational Education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department.

NEW SECTION. Sec. 4. Upon receipt of the application and evidence set forth in section 3 of this act, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked as an apprentice plumber for three years or have completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the Coordinating Council on Occupational Education. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of plumbers as established in section 11 of this act. Upon determination that the applicant is eligible to take the examination,

the director shall so notify him, indicating the time and place for taking the same.

NEW SECTION. Sec. 5. The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman plumber; and

(2) Whether the applicant is sufficiently familiar with the applicable plumbing codes and the administrative rules and regulations of the department pertaining to plumbing and plumbers.

The department shall administer the examination to persons eligible to take the same under the provisions of section 4 of this act. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, and shall notify the applicant whether he has passed or failed. Any applicant who has failed the examination may petition the department to retake the examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper.

NEW SECTION. Sec. 6. Any local enforcement agency certified by the state shall hold written examinations for licensing journeyman plumbers and shall retain fifty percent of the fees collected for the administration of such examinations. All such examinations given shall be developed by the state agency and shall be uniform throughout the state. The initial issuance of licenses and renewals shall be made by any certified local enforcement agency or the state, and fifty percent of such fees shall be retained by the certified local issuing agency.

NEW SECTION. Sec. 7. The department shall issue a certificate of competency to all applicants who have passed the examination provided in sections 5 and 6 of this act, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate.

The certificates of competency or permits provided for in this

chapter shall grant the holder the right to engage in the work of plumbing as a journeyman plumber in accordance with its provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in such work: PROVIDED, HOWEVER, That this shall not preclude employees from adhering to a union security clause in any employment where such a requirement exists.

NEW SECTION. Sec. 8. No examination shall be required of any applicant for a certificate of competency who, on the effective date of this act, was engaged in a bona fide business or trade of plumbing, or on said date held a valid journeyman plumber's license issued by a political subdivision of the state of Washington and whose license is valid at the time of making his application for said certificate. Applicants qualifying under this section shall be issued a certificate by the department upon making an application as provided in section 3 of this act and paying the fee required under section 5 of this act: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by section 3 of this act.

NEW SECTION. Sec. 9. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of plumbing as a journeyman during the period of time between filing of an application for a certificate as provided in section 3 of this act and taking the examination provided for in sections 5 and 6 of this act: PROVIDED, That no temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under section 3 of this act;

(3) To any apprentice plumber.

NEW SECTION. Sec. 10. (1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to carry on the business and trade of plumbing as a journeyman plumber;

(c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall

enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

NEW SECTION. Sec. 11. (1) There is created a state advisory board of plumbers, to be composed of three members appointed by the governor. One member shall be a journeyman plumber, one member shall be a person conducting a plumbing business, and one member from the general public who is familiar with the business and trade of plumbing.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive compensation and expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

NEW SECTION. Sec. 12. (1) Every apprentice shall register with the department.

(2) The department shall issue to such apprentice, upon such form and under such terms as the director and the advisory board shall by agreement deem proper, an apprentice permit to work in the business and trade of plumbing as an apprentice: PROVIDED, That such work shall be done under the supervision of a journeyman plumber.

NEW SECTION. Sec. 13. All moneys received from certificates, permits, or other sources, shall be paid to the state treasurer as ex officio custodian thereof and by him placed in a special fund designated as the "plumbing certificate fund". He shall pay out upon vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into said fund, and of all disbursement therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund.

NEW SECTION. Sec. 14. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this chapter: PROVIDED, That in the administration of this act the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

NEW SECTION. Sec. 15. Nothing in this chapter shall be construed to require that a person obtain a license or a certified plumber in order to do plumbing work at his residence or farm or place of business or on other property owned by him. Any person performing plumbing work on a farm may do so without having a current certificate of competency or apprentice permit: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing.

NEW SECTION. Sec. 16. Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense.

NEW SECTION. Sec. 17. Sections 1 through 16 of this act shall constitute a new chapter in Title 18 RCW.

Passed the Senate March 15, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 176

[Engrossed Senate Bill No. 2317]

CLEAN AIR ACT--PENALTIES

AN ACT Relating to health and safety; amending section 61, chapter 238, Laws of 1967 and RCW 70.94.430; amending section 53, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.431; and prescribing penalties.

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

Section 1. Section 61, chapter 238, Laws of 1967 and RCW 70.94.430 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or any ordinance, resolution, rule or regulation in force pursuant thereto, other than RCW 70.94.205, shall be guilty of a ((gross)) misdemeanor and upon conviction thereof shall be punished by a fine of ((not less than one hundred dollars nor more than one thousand dollars)) not more than two hundred fifty dollars, or by imprisonment for ((a term of not more than one year)) not more than ninety days, or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. Each day upon which such wilfull violation occurs shall constitute a separate offense. Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense.

Any person who wilfully violates RCW 70.94.205 or any other provision of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment.

Sec. 2. Section 53, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.431 are each amended to read as follows:

In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the ((state board)) department or the board shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the

provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the ((executive)) director ((of the state board)) or his designee or the control officer of the authority or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the ((state board or)) hearings board as provided for in chapter 43.21B RCW. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. ((The hearing shall be conducted pursuant to the provisions of chapter 34.04 RCW)) If the amount of such penalty is not paid to the ((state board)) department or the board within ((fifteen)) thirty days after ((receipt of notice imposing the same)) it becomes due and payable, and a request for a hearing has not been made, the attorney general, upon the request of the ((executive)) director or his designee, or the attorney for the local authority, upon request of the board or control officer, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

In all actions brought in the superior court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 177

[Engrossed Senate Bill No. 2378]

DEPARTMENT OF HIGHWAYS--

PROPERTY SALE PROCEDURE

AN ACT Relating to the sale of public property; amending section 3, chapter 257, Laws of 1961 and RCW 47.56.254; amending section 4, chapter 257, Laws of 1961 and RCW 47.56.255; amending

section 47.60.130, chapter 13, Laws of 1961 and RCW 47.60.130; adding new sections to chapter 47.12 RCW; repealing section 47.12.090, chapter 13, Laws of 1961 and RCW 47.12.090; repealing section 47.12.100, chapter 13, Laws of 1961 and RCW 47.12.100; repealing section 47.12.105, chapter 13, Laws of 1961 and RCW 47.12.105; and repealing section 47.12.110, chapter 13, Laws of 1961 and RCW 47.12.110.

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

NEW SECTION. Section 1. There is added to chapter 47.12 RCW a new section to read as follows:

Any real property (including lands, improvements thereon, and any interests or estates) held by the department of highways other than that acquired under RCW 47.12.020 may be sold in accordance with the following procedure:

(1) Determination that the real property is unnecessary for the purposes of the department of highways;

(2) Determination of the fair market value of the real property;

(3) Offering of the real property for sale by auction after notice to the general public of the proposed auction sale in the following manner: By notice of the proposed sale published in a display advertisement of no less than two column by two inch or one column by four inch size in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated. This advertisement shall appear in the legal notices section and the real estate classified section. This publication shall appear for a period of not less than four weeks prior to the proposed sale and the notice shall particularly describe the property to be sold and the time and place of the proposed sale: PROVIDED, That if there is no legal newspaper published in this county, then such notice shall be published in the legal newspaper published in this state nearest to the place of sale.

(4) Offering of the real property for sale by advertisement and negotiation if the real property was offered, but not sold at auction.

No real property shall be sold for less than the fair market value at the time of the auction if sold at auction or the fair market value at the date of the agreement to sell if sold by advertisement and negotiation. Any offer to purchase real property may be rejected at any time prior to written acceptance of the offer by the department of highways and approval of the terms of the transaction by the highway commission.

The highway commission shall approve the terms of each sale, either individually or by general rule, so that payment is made or safely secured to the state. The highway commission may adopt rules

further implementing this section.

All funds received under this section shall be forwarded to the state treasurer and by him credited to the motor vehicle fund.

NEW SECTION. Sec. 2. There is added to chapter 47.12 RCW a new section to read as follows:

When full payment for real property agreed to be sold as authorized by section 1 of this 1973 amendatory act has been received the director of the department of highways shall certify this fact to the governor with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Sec. 3. Section 3, chapter 257, Laws of 1961 and RCW 47.56.254 are each amended to read as follows:

If the authority ~~((is of the opinion))~~ determines that any ~~((land, including improvements thereon;))~~ real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for ~~((toll bridge, toll tunnel, toll road or Washington state ferry system))~~ purposes of the authority, the authority shall offer it for sale ~~((upon notice and bids))~~ as authorized by RCW 47.56.252 or in the manner ((that contracts are let by)) and with the authority authorized to the state highway commission by section 1 of this 1973 amendatory act. The authority may adopt rules further implementing this section as granted to the highway commission by section 1 of this 1973 amendatory act.

Sec. 4. Section 4, chapter 257, Laws of 1961 and RCW 47.56.255 are each amended to read as follows:

~~((The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property, plus the value of the improvements thereon, computed on the basis of the reproduction value less depreciation.))~~ When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received the authority may ((accept the highest and best bid, and)) certify ((the agreement for the sale)) this fact to the governor, with a description of the land and terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

Sec. 5. Section 47.60.130, chapter 13, Laws of 1961 and RCW 47.60.130 are each amended to read as follows:

Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or

more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The authority is empowered to rent, lease, or charter any property acquired under this chapter. ((Whenever the authority shall determine that any land, including improvements thereon is no longer needed for the purposes of the ferry system, it may offer the same for sale upon notice and bids in the manner of letting contracts for state highway improvements: The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property plus the value of the improvements thereon, computed on the basis of the reproduction value, less depreciation: It may accept the highest and best bid and request the attorney general to prepare the necessary instrument of conveyance which shall be executed by the governor:)) If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for the purposes of the ferry system, the authority shall offer it for sale in the manner and with the authority authorized to the state highway commission by section 1 of this 1973 amendatory act. The authority may adopt rules further implementing this section as granted to the highway commission by section 1 of this 1973 amendatory act. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

NEW SECTION. Sec. 6. Before any such sale involving a sum in excess of ten thousand dollars shall be final, the commission shall cause to be reported in a legal newspaper of the county in which the property is located a legal advertisement, and such other advertisement as the commission shall deem advisable, setting forth the legal description of the property, the commonly known address, the name of the purchaser, the purchase price, the name of the agent, attorney, or real estate broker handling the transaction, the terms of the sale including the price and interest rate on any deferred payments, in three consecutive editions thereof. Any individual may within thirty days after the first publication of such advertisement offer subject to the same terms or conditions a purchase price of ten percent more than the offer advertised and the commission shall make such sale to the second purchaser.

NEW SECTION. Sec. 7. The highway commission may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 47.12.090, chapter 13, Laws of 1961 and RCW 47.12.090;

(2) Section 47.12.100, chapter 13, Laws of 1961 and RCW 47.12.100;

(3) Section 47.12.105, chapter 13, Laws of 1961 and RCW 47.12.105; and

(4) Section 47.12.110, chapter 13, Laws of 1961 and RCW 47.12.110.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 28, 1973.

CHAPTER 178

[Engrossed Senate Bill No. 2504]

STATE BOARD ON
GEOGRAPHIC NAMES

AN ACT Relating to state government; establishing a Washington state board on geographic names; adding a new chapter to Title 43 RCW; and for the use of geographic names.

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

NEW SECTION. Section 1. The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agent to coordinate this important activity between local, state and federal agencies; to identify the responsible agent for the purpose of serving the public interest; to avoid whenever possible the duplication of names for similar features, and so far as possible retain the significance, spelling and color of names associated with the early history of Washington.

NEW SECTION. Sec. 2. There is hereby created a Washington state board on geographic names. It shall be composed of the:

- (1) State librarian or representative;
- (2) Commissioner of public lands or representative;
- (3) President of the Washington state historical society;
- (4) Chairman of the department of geography, University of Washington or representative;
- (5) Chairman of the department of geography, Washington State University or representative;
- (6) Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands;
- (7) The commissioner of public lands or his representative shall be chairman of the board.

NEW SECTION. Sec. 3. It shall be the duty of the Washington

state board on geographic names and it shall have the power and authority to:

(1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include manmade features or administrative areas such as parks, game preserves and dams, but shall include manmade lakes;

(2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;

(3) Cooperate with county commissioners, state departments and agencies and with the United States board on geographic names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features; and for the purpose of eliminating, so far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Issue periodically a list of names approved by the board.

NEW SECTION. Sec. 4. The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and orthography of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names to which board it shall give full cooperation.

NEW SECTION. Sec. 5. Adoption of names by the board shall take place only after consideration at a previous meeting. All determinations of the board shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules pursuant to RCW 34.04.050. Determinations by the board shall not be considered a rule under provisions of RCW 34.04.010. Whenever the state board on geographic names shall have given a name to any lake, stream, place and other geographic feature within the state, such name shall be used in all maps, records, documents and other publications issued by the state or any of its departments and political subdivisions, and such name shall be deemed the official name of such geographic feature.

NEW SECTION. Sec. 6. The board shall hold at least two regular meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(1) All meetings shall be open to the public;

(2) Public notice of board meetings shall be published in one issue of a local newspaper of general circulation in the counties in

which features are being considered at least one week before the meeting is held. This notice will include those names to be considered by the board and those names to be adopted by the board;

(3) Four board members shall constitute a quorum;

(4) The board shall establish rules and regulations for the conduct of its affairs and carrying out the purposes of this chapter;

(5) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records;

(6) All geographic names adopted by the board shall be published in a local newspaper of general circulation in the county where the geographic name applies within four weeks following the date of their adoption.

NEW SECTION. Sec. 7. Each member of the board, not otherwise a public employee, shall receive actual necessary traveling and other expenses incurred in the discharge of their duties which shall be paid by the agency that each member represents and, for the two members of the general public, by the department of natural resources. In no event shall a member's payments exceed five hundred dollars in any one year.

NEW SECTION. Sec. 8. No person shall in any advertisement or publication attempt to change local usage or name unnamed geographic features without first obtaining approval of the board.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate March 9, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 20, 1973.

CHAPTER 179

[Engrossed Substitute Senate Bill No. 2531]

ENVIRONMENTAL IMPACT STATEMENTS--

REQUIREMENTS DEFINED

AN ACT Relating to environmental policy; adding new sections to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW; declaring an emergency; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

The department of ecology shall, within forty-five days from

the effective date of this act, after notice and hearing, promulgate rules and regulations pursuant to chapter 34.04 RCW to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the "detailed statement" required by RCW 43.21C.030. Building permits and acts not so classified shall not be presumed to either require or not require a "detailed statement".

NEW SECTION. Sec. 2. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

(1) Notice of any action taken by a governmental agency which is "a major action significantly affecting the quality of the environment" pertaining to any private project shall be published by the applicant for such project, in a form approved by the governmental agency, on the same day of each week for two consecutive weeks in a newspaper of general circulation in the county, city, or general area where the property which is the subject of the action and where such governmental agency has its principal offices.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such action of a governmental agency with respect to any private project on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the final date of publication of notice of such action, or be barred.

NEW SECTION. Sec. 3. There is added to chapter 109, Laws of 1971 ex. sess. and to chapter 43.21C RCW a new section to read as follows:

In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1973: PROVIDED, HOWEVER, That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act.

Passed the Senate April 7, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 180

[Senate Bill No. 2570]

STATE PATROL RETIREMENT SYSTEM

AN ACT Relating to the Washington state patrol retirement system; amending section 43.43.120, chapter 8, Laws of 1965 as amended by section 1, chapter 12, Laws of 1969 and RCW 43.43.120; amending section 43.43.220, chapter 8, Laws of 1965 and RCW 43.43.220; amending section 43.43.260, chapter 8, Laws of 1965 as last amended by section 1, chapter 278, Laws of 1971 ex. sess. and RCW 43.43.260; amending section 43.43.270, chapter 8, Laws of 1965 as amended by section 6, chapter 12, Laws of 1969 and RCW 43.43.270; and amending section 43.43.280, chapter 8, Laws of 1965 as amended by section 7, chapter 12, Laws of 1969 and RCW 43.43.280.

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

Section 1. Section 43.43.120, chapter 8, Laws of 1965 as amended by section 1, chapter 12, Laws of 1969 and RCW 43.43.120 are each amended to read as follows:

As used in the following sections:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

(8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(10) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation

of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last two years of service or any consecutive two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than two years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

(16) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

Sec. 2. Section 43.43.220, chapter 8, Laws of 1965 and RCW 43.43.220 are each amended to read as follows:

(1) The Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) ((The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the current service contribution; and a fixed percentage of the compensation of members to be known as the prior service contribution;

{3} After the completion of each actuarial valuation, the retirement board shall determine or redetermine the current service contribution rate. Such current service contribution rate shall become effective in the ensuing biennium. Such contribution rate shall be the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation required, together with the prospective value of future contributions from members, and all funds (other than funds

allocated to prior service benefits) currently standing to the credit of the retirement fund; to provide for the payment of all future benefits for such members (other than prior service benefits);

(4) The prior service contribution shall be two and one-quarter percent of the prospective compensation of all members in the retirement system in each calendar year, and shall continue at such rate until the assets of the retirement fund allocated to prior service benefits are equal to the then outstanding liability for prior service benefits.

(5) The "fundable employer liability" at any date shall be the present value of:

(a) All future pension benefits payable in respect of all members in the retirement system at that date, and

(b) All future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(3) The contributions by the state for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", and a percentage of such compensation to be known as the "unfunded liability contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation.

(4) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members in the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the retirement fund.

(5) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the unfunded liability contribution rate, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members in the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall

be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the retirement fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(6) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium.

Sec. 3. Section 43.43.260, chapter 8, Laws of 1965 as last amended by section 1, chapter 278, Laws of 1971 ex. sess. and RCW 43.43.260 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3) Any member with twenty-five years service in the Washington state patrol may have his service in the armed forces credited to him as a member whether or not he left the employ of the Washington state patrol to enter such armed forces: PROVIDED, That in no instance shall military service in excess of five years be credited; AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of his retirement, or within five years of membership service following his first resumption of employment, whichever occurs first; AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended; AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(4) In no event shall the total retirement benefits from subsections (1), (2) and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future.

The retirement allowance of all members presently retired shall be recomputed and shall in the future be paid in accordance with the benefits provided in this section.

Sec. 4. Section 43.43.270, chapter 8, Laws of 1965 as amended by section 6, chapter 12, Laws of 1969 and RCW 43.43.270 are each amended to read as follows:

(1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die (~~(either while in service or after retirement, his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member)~~ while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement (~~(the average final salary will be the average final salary used in computing his retirement allowance at the time of his retirement)~~ his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

Sec. 5. Section 43.43.280, chapter 8, Laws of 1965 as amended

by section 7, chapter 12, Laws of 1969 and RCW 43.43.280 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he shall thereupon cease to be a member except as provided under RCW 43.43.130(2) and (3) and he may ((request upon a form provided by the retirement board a refund of)) withdraw his contributions to the retirement fund, with interest at two and one-half percent compounded annually, ((and this amount shall be paid to him)) by making application therefor to the retirement board, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of his absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this subsection shall not apply.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 181
[Substitute Senate Bill No. 2586]
POLICEMEN AND FIREMEN--RETIREMENT
BENEFITS

AN ACT Relating to firemen and police pension benefits; amending section 3, chapter 82, Laws of 1957 as last amended by section 2, chapter 91, Laws of 1967 ex. sess. and RCW 41.16.090; amending section 1, chapter 6, Laws of 1959 as last amended by

section 6, chapter 269, Laws of 1969 ex. sess. and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 219, Laws of 1969 ex. sess. and RCW 41.20.060; amending section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 191, Laws of 1961 and RCW 41.20.080; amending section 2, chapter 78, Laws of 1959 as last amended by section 26, chapter 209, Laws of 1969 ex. sess. and RCW 41.20.085; adding a new section to chapter 41.18 RCW; and declaring an emergency.

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

Section 1. Section 3, chapter 82, Laws of 1957 as last amended by section 2, chapter 91, Laws of 1967 ex. sess. and RCW 41.16.090 are each amended to read as follows:

All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after the effective date of this ((1967)) 1973 amendatory act receive a minimum pension of ((one)) three hundred ((fifty)) dollars per month.

NEW SECTION. Sec. 2. There is added to chapter 41.18 RCW a new section to read as follows:

All retirees and survivors receiving a pension under the provisions of this chapter shall from and after the effective date of this 1973 amendatory act receive a minimum pension of three hundred dollars per month.

Sec. 3. Section 1, chapter 6, Laws of 1959 as last amended by section 6, chapter 269, Laws of 1969 ex. sess. 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)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act: 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 is a veteran as defined in RCW 41.04.005, 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. 4. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 219, Laws of 1969 ex. sess. and RCW 41.20.060 are each amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he 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 which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent

of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than ((one)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than 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 foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

Sec. 5. Section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 191, Laws of 1961 and RCW 41,20.080 are each amended to read as follows:

Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary at any time hereafter attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: PROVIDED, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: PROVIDED FURTHER, That all existing pensions shall be increased to not less than ((one)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

Sec. 6. Section 2, chapter 78, Laws of 1959 as last amended by section 26, chapter 209, Laws of 1969 ex. sess. and RCW 41.20.085 are each amended to read as follows:

Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: PROVIDED, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of (~~July 1, 1967~~) the effective date of this 1973 amendatory act, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of (~~one~~) three hundred (~~fifty~~) dollars per month.

"Surviving spouse" as used in this section means surviving female or male spouse.

NEW SECTION. Sec. 7. This 1973 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 10, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 182
[Senate Bill No. 2790]
FOREST FIRE PROTECTION--
ASSESSMENTS

AN ACT Relating to forest fire protection; amending section 2, chapter 105, Laws of 1917 as last amended by section 14, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.360; adding a new section to chapter 76.04 RCW; and declaring an emergency.

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

Section 1. Section 2, chapter 105, Laws of 1917 as last amended by section 14, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed nine cents an acre per year on lands west of the summit of the Cascade mountains and seven cents an acre per year on lands east of the summit of the Cascade mountains: PROVIDED, That for the calendar years ~~((1971))~~ 1973 and ~~((1972))~~ 1974 the cost to the owner for such protection shall be eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains ~~((after which time said additional assessment shall revert to the 1970 level))~~. During said calendar years the legislative ~~((budget))~~ committees on natural resources shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner.

The findings of the legislative ~~((budget))~~ committees on natural resources shall be considered when establishing the forest patrol assessment for the ensuing biennium.

For the purpose of this act, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date

the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

NEW SECTION. Sec. 2. This 1973 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 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 183

[House Bill No. 305]

PUBLIC ASSISTANCE--SUPPORT COLLECTION

PROCEDURES--

AN ACT Relating to public assistance; amending section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1971 ex. sess. and RCW 74.20.040; amending section 16, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.101; amending section 15, chapter 206, Laws of 1963 and RCW 74.20.300; amending section 3, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.030; amending section 4, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.040; amending section 5, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.050; amending section 6, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.060; amending section 7, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.070; amending section 8, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.080; amending section 9, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.090; amending section 10, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.100; amending section 13, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.130; amending section 14, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.140; amending section 15, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.150; amending section 17, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.170; amending section 18, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.180; amending section 19, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.190; amending section 20, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.200; amending section 21, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.210; amending section 22, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.220; amending section 23, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.230; amending section 24, chapter 164, Laws of 1971 ex.

sess. and RCW 74.20A.240; amending section 25, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.250; adding new sections to chapter 164, Laws of 1971 ex. sess. and to chapter 74.20A RCW; and declaring an emergency.

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

Section 1. Section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 213, Laws of 1971 ex. sess. and RCW 74.20.040 are each amended to read as follows:

Whenever the department of ((public assistance)) social and health services receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child.

((The secretary may accept applications for support enforcement services from custodians of minor children who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce child support obligations against the parent or parents of said children:)) The secretary may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against persons owing a duty to pay support. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including ((administrative)) but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said ((child)) support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said ((minor children)) person for whom a support obligation exists.

The secretary may charge a fee to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be agreed on in writing with the custodian or guardian of the ((minor children)) person for whom a support obligation is owed, or that person if no custodian or guardian exists and shall be limited to not more than ten percent of

any support money collected as a result of action taken by the secretary. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to all applicants for support enforcement services. The secretary may, on showing of necessity, waive or defer any such fee.

Sec. 2. Section 16, chapter 173, Laws of 1969 ex. sess. and RCW 74.20.101 are each amended to read as follows:

Whenever, as a result of any action, support money is paid by the person or persons responsible for support, such payment shall be paid through the support enforcement and collections unit of the state department of ((public assistance)) social and health services upon written notice by the department to the responsible person or to the clerk of the court, if appropriate, that the children for whom ((said support order was issued)) a support obligation exists are receiving public assistance.

Sec. 3. Section 15, chapter 206, Laws of 1963 and RCW 74.20.300 are each amended to read as follows:

No filing or recording fees, court fees, fees for making copies of documents or fees for service of process shall be required from the state department of ((public assistance)) social and health services by any county clerk, county auditor, sheriff or other county officer for the filing of any actions or documents authorized by this chapter, or for the service of any summons or other process in any action or proceeding authorized by this chapter.

Sec. 4. Section 3, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.030 are each amended to read as follows:

Except as provided in this section and in section 27 of this 1973 amendatory act, any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid: PROVIDED, That where there has been a superior court order ((or final decree of divorce)), the debt shall be limited to the amount ((of)) provided for by said ((court)) order ((or decree)). The department shall have the right to petition the appropriate superior court for modification of a superior court order on the same grounds as ((either)) a party to said cause. Where a child has been placed in foster care, and a written agreement for payment of support has been entered into by the responsible parent or parents and the department, the debt shall be limited to the amount provided for in said agreement: PROVIDED, That if a court order for support is or has been entered, the provisions of said order shall prevail over the agreement. The department shall adopt rules and regulations, based on ability to pay, with respect to

the level of support to be provided for in such agreements, or modifications of such agreements based on changed circumstances.

The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys thus expended. If a superior court order ((or final decree of divorce)) enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department. This subrogation shall specifically be applicable to temporary spouse support orders, family maintenance orders and alimony orders up to the amount paid by the department in public assistance moneys to or for the benefit of a dependent child or children but allocated to the benefit of said children on the basis of providing necessities for the caretaker of said children.

Debt under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status.

Sec. 5. Section 4, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.040 are each amended to read as follows:

The secretary may issue a notice of a ((child)) support debt accrued and/or accruing based upon subrogation to or assignment of the judgment created by a superior court order ((or final decree of divorce)). Said notice ((shall)) may be served upon the debtor in the manner prescribed for the service of a summons in a civil action or be mailed to the debtor at his last known address by certified mail, return receipt requested, demanding payment within twenty days of the date of receipt. Said notice of debt shall include a statement of the ((child)) support debt accrued and/or accruing, computable on the amount required to be paid under any superior court order ((or final decree of divorce)) to which the department is subrogated or has an assigned interest; a statement that the property of the debtor is subject to collection action; a statement that the property is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver; and a statement that the net proceeds will be applied to the satisfaction of the ((child)) support debt. Action to collect said subrogated or assigned ((child)) support debt by lien and foreclosure, or distraint, seizure and sale, or order to withhold and deliver shall be lawful after twenty days from the date of service upon the debtor or twenty days from the receipt or refusal by the debtor of said notice of debt.

Sec. 6. Section 5, chapter 164, Laws of 1971 ex. sess. and

RCW 74.20A.050 are each amended to read as follows:

In the absence of a superior court order ((or final decree of divorce,)) the secretary may issue a notice of a ((child)) support debt accrued and/or accruing based upon payment of public assistance to or for the benefit of any dependent child or children. Said notice of debt shall be served upon the debtor in the manner prescribed for the service of summons in a civil action, including summons by publication where appropriate and necessary. The notice of debt shall include a statement of the ((child)) support debt accrued and/or accruing, computable on the basis of the amount of public assistance previously paid and to be paid in the future; a statement of the amount of the monthly public assistance payment; a statement of the name of the recipient and the name of the child or children for whom assistance is being paid; a demand for immediate payment of the ((child)) support debt or in the alternative, a demand that the debtor make answer within twenty days of the date of service to the secretary stating defenses to liability under RCW 74.20A.030; a statement that if no answer is made on or before twenty days from the date of the service, the ((child)) support debt shall be assessed and determined subject to computation, and is subject to collection action; a statement that the property of the debtor will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver. If no answer is had by the secretary to the notice of debt on or before twenty days of the date of service, the ((child)) support debt shall be assessed and determined subject to computation and the secretary shall issue a collection warrant authorizing collection action under this chapter. If the debtor, within twenty days of date of service of the notice of debt, makes answer to the secretary alleging defenses to liability under RCW 74.20A.030, said debtor shall have the right to a fair hearing pursuant to RCW 74.08.070 and 74.08.090. The decision of the department in the fair hearing shall establish the liability of the debtor, if any, for repayment of public assistance moneys expended to date as an assessed and determined ((child)) support debt. Action by the secretary under the provisions of this chapter to collect said ((child)) support debt shall be lawful from the date of issuance of the decision in the fair hearing. If the secretary reasonably believes that the debtor is not a resident of this state, or is about to move from this state, or has concealed himself, absconded, absented himself or has removed or is about to remove, secrete, waste, or otherwise dispose of property which could be made subject to collection action to satisfy the ((child)) support debt, the secretary may file and serve liens pursuant to RCW 74.20A.060 and 74.20A.070 during pendency of the fair hearing or thereafter, whether or not appealed: PROVIDED, That no further action under RCW

74.20A.080, 74.20A.130 and 74.20A.140 may be taken on such liens until final determination after fair hearing and/or appeal. The secretary shall in such cases, make and file in the record of the fair hearing an affidavit stating the reasons upon which said belief is founded: PROVIDED, That the debtor may furnish a good and sufficient bond satisfactory to the secretary during pendency of the fair hearing, or thereafter, and in such case liens filed shall be released. If the decision of the fair hearing is in favor of the debtor, all liens filed shall be released.

Sec. 7. Section 6, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.060 are each amended to read as follows:

Twenty-one days after receipt or refusal of notice of debt under provisions of RCW 74.20A.040, or twenty-one days after service of notice of debt, or as otherwise appropriate under the provisions of RCW 74.20A.050, or as appropriate under the provisions of section 27 of this 1973 amendatory act a lien may be asserted by the secretary upon the real or personal property of the debtor. The claim of the department for a ((child)) support debt, not paid when due, shall be a lien against all property of the debtor with priority of a secured creditor. This lien shall be separate and apart from, and in addition to, any other lien created by, or provided for, in this title. The lien shall attach to all real and personal property of the debtor on the date of filing of such statement with the county auditor of the county in which such property is located. A lien against earnings shall attach and be effective subject to service requirements of RCW 74.20A.070 upon filing with the county auditor of the county in which the employer does business or maintains an office or agent for the purpose of doing business.

Whenever a ((child)) support lien has been filed and there is in the possession of any person, firm, corporation, association, political subdivision or department of the state having notice of said lien any property which may be subject to the ((child)) support lien, such property shall not be paid over, released, sold, transferred, encumbered or conveyed, except as provided for by the exemptions contained in RCW 74.20A.090 and 74.20A.130, unless a written release or waiver signed by the secretary has been delivered to said person, firm, corporation, association, political subdivision or department of the state or unless a determination has been made in a fair hearing pursuant to RCW 74.20A.050 or by a superior court ordering release of said ((child)) support lien on the basis that no debt exists or that the debt has been satisfied.

Sec. 8. Section 7, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.070 are each amended to read as follows:

The secretary may at any time after filing of a ((child)) support lien serve a copy of said lien upon any person, firm,

corporation, association, political subdivision or department of the state in possession of earnings, or deposits or balances held in any bank account of any nature which are due, owing, or belonging to said debtor. Said ((child)) support lien shall be served upon the person, firm, corporation, association, political subdivision or department of the state either in the manner prescribed for the service of summons in a civil action or by certified mail, return receipt requested. No lien filed under RCW 74.20A.060 shall have any effect against earnings or bank deposits or balances unless it states the amount of the ((child)) support debt accrued and unless service upon said person, firm, corporation, association, political subdivision or department of the state in possession of earnings or bank accounts, deposits or balances is accomplished pursuant to this section.

Sec. 9. Section 8, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.080 are each amended to read as follows:

After service of a notice of debt as provided for in RCW 74.20A.040 stating a ((child)) support debt accrued and/or accruing based upon subrogation to or assignment of the amount required to be paid under any superior court order ((or final decree of divorce)) or whenever a ((child)) support lien has been filed pursuant to RCW 74.20A.060, the secretary is hereby authorized to issue to any person, firm, corporation, association, political subdivision or department of the state, an order to withhold and deliver property of any kind including, but not restricted to, earnings which are due, owing, or belonging to the debtor, when the secretary has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the state property which is due, owing, or belonging to said debtor. The order to withhold and deliver which shall also be served upon the debtor, shall state the amount of the ((child)) support debt accrued, and shall state in summary the terms of RCW 74.20A.090 and 74.20A.100. The order to withhold and deliver shall be served in the manner prescribed for the service of a summons in a civil action or by certified mail, return receipt requested. Any person, firm, corporation, association, political subdivision or department of the state upon whom service has been made is hereby required to answer said order to withhold and deliver within twenty days, exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the state any property which may be subject to the claim of the department of social and health services, such property shall be withheld immediately upon receipt of the order to withhold and deliver and shall after the twenty day period, upon demand, be delivered forthwith to the secretary. The

secretary shall hold said property in trust for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability. In the alternative, there may be furnished to the secretary a good and sufficient bond, satisfactory to the secretary, conditioned upon final determination of liability. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the state subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the secretary. Delivery to the secretary of the money or other property held or claimed shall satisfy the requirement of the order to withhold and deliver. Delivery to the secretary shall serve as full acquittance and the state warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the secretary pursuant to this chapter. The state also warrants and represents that it shall defend and hold harmless for such actions persons withholding money or property pursuant to this chapter. The foregoing is subject to the exemptions contained in RCW 74.20A.090 and 74.20A.130.

Sec. 10. Section 9, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.090 are each amended to read as follows:

Whenever a ((child)) support lien or order to withhold and deliver is served upon any person, firm, corporation, association, political subdivision or department of the state asserting a ((child)) support debt against earnings and there is in the possession of such person, firm, corporation, association, political subdivision, or department of the state, any such earnings, RCW 7.33.280 shall not apply, but fifty percent of the disposable earnings shall be exempt and may be disbursed to the debtor whether such earnings are paid, or to be paid weekly, monthly, or at other regular intervals and whether there be due the debtor earnings for one week or for a longer period. The lien or order to withhold and deliver shall continue to operate and require said person, firm, corporation, association, political subdivision, or department of the state to withhold the nonexempt portion of earnings at each succeeding earnings disbursement interval until the entire amount of the ((child)) support debt stated in the lien or order to withhold and deliver has been withheld. As used in this chapter, the term "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments by any department or division of the state based upon inability to work or obtain employment.

("Earnings" shall also mean that part of temporary total disability payments and permanent total disability compensation to a workman allocated by REW 54.32.090 and 54.32.060 respectively to the spouse and children of a workman; and shall also include no more than forty percent of the net proceeds of payments to a workman for permanent partial disability under REW 54.32.080.) Earnings shall specifically include all gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital assets. The term "disposable earnings" means that part of the earnings of any individual remaining after the deduction from those earnings of any amount be required by law to be withheld.

Sec. 11. Section 10, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.100 are each amended to read as follows:

Should any person, firm, corporation, association, political subdivision or department of the state fail to make answer to an order to withhold and deliver within the time prescribed herein; or fail or refuse to deliver property pursuant to said order; or after actual notice of filing of a ((child)) support lien, pay over, release, sell, transfer, or convey real or personal property subject to a ((child)) support lien to or for the benefit of the debtor or any other person; or fail or refuse to surrender upon demand property distrained under RCW 74.20A.130 or fail or refuse to honor an assignment of wages presented by the secretary, said person, firm, corporation, association, political subdivision or department of the state shall be liable to the department in an amount equal to one hundred percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or assignment of wages, together with costs, interest, and reasonable attorney fees.

Sec. 12. Section 13, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.130 are each amended to read as follows:

Whenever a ((child)) support lien has been filed pursuant to RCW 74.20A.060, the secretary may collect the ((child)) support debt stated in said lien by the distraint, seizure, and sale of the property subject to said lien. The secretary shall give notice to the debtor and any person known to have or claim an interest therein of the general description of the property to be sold and the time and place of sale of said property. Said notice shall be given to such persons by certified mail, return receipt requested or by service in the manner prescribed for the service of a summons in a civil action. A notice specifying the property to be sold shall be posted in at least two public places in the county wherein the distraint has been made. The time of sale shall not be less than ten nor more than twenty days from the date of posting of such notices. Said sale shall be conducted by the secretary, who shall proceed to sell such property by parcel or by lot at a public auction, and who

may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the secretary may declare such property to be purchased by the department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the department as herein prescribed may be sold by the secretary at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the department of social and health services. In all cases of sale, as aforesaid, the secretary shall issue a bill of sale or a deed to the purchaser and said bill of sale or deed shall be prima facie evidence of the right of the secretary to make such sale and conclusive evidence of the regularity of his proceeding in making the sale, and shall transfer to the purchaser all right, title, and interest of the debtor in said property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the department, shall be first applied by the secretary to reimbursement of the costs of distraint and sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the secretary shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the state or its political subdivisions or by the secretary for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from ((attachment)) distraint, seizure, ((execution)) and sale under this chapter such property as is exempt therefrom under the laws of this state.

Sec. 13. Section 14, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.140 are each amended to read as follows:

Whenever a ((child)) support lien has been filed, an action in foreclosure of lien upon real or personal property may be brought in the superior court of the county where real or personal property is or was located and the lien was filed and judgment shall be rendered in favor of the department for the amount due, with costs, and the court shall allow, as part of the costs, the moneys paid for making and filing the claim of lien, and a reasonable attorney's fee, and the court shall order any property upon which any lien provided for by this chapter is established, to be sold by the sheriff of the proper county to satisfy the lien and costs. The payment of the lien debt, costs and reasonable attorney fees, at any time before sale, shall satisfy the judgment of foreclosure. Where the net proceeds of sale upon application to the debt claimed do not satisfy the debt in full, the department shall have judgment over for any deficiency

remaining unsatisfied and further levy and sales upon other property of the judgment debtor may be made under the same execution. In all sales contemplated under this section, advertising of notice shall only be necessary for two weeks in a newspaper published in the county where said property is located, and if there be no newspaper therein, then in the most convenient newspaper having a circulation in such county. Remedies provided for herein are alternatives to remedies provided for in other sections of this chapter.

Sec. 14. Section 15, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.150 are each amended to read as follows:

Any person owning real property, or any interest in real property, against which a ((child)) support lien has been filed and foreclosure instituted, shall have the right to pay the amount due, together with expenses of the proceedings and reasonable attorney fees to the secretary and upon such payment the secretary shall restore said property to him and all further proceedings in the said foreclosure action shall cease. Said person shall also have the right within two hundred forty days after sale of property foreclosed under RCW 74.20A.140 to redeem said property by making payment to the purchaser in the amount paid by the purchaser plus interest thereon at the rate of six percent per annum.

Sec. 15. Section 17, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.170 are each amended to read as follows:

The secretary may at any time release a ((child)) support lien, or order to withhold and deliver, on all or part of the property of the debtor, or return seized property without liability, if assurance of payment is deemed adequate by the secretary, or if said action will facilitate the collection of the debt, but said release or return shall not operate to prevent future action to collect from the same or other property.

Sec. 16. Section 18, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.180 are each amended to read as follows:

If the secretary finds that the collection of any ((child)) support debt based upon subrogation to or assignment of the amount of support ordered by any superior court order ((or final decree of divorce)) is in jeopardy, he may make demand under RCW 74.20A.040 for immediate payment of the ((child)) support debt, and upon failure or refusal immediately to pay said ((child)) support debt, he may file and serve liens pursuant to RCW 74.20A.060 and 74.20A.070, without regard to the twenty day period provided for in RCW 74.20A.040: PROVIDED, That no further action under RCW 74.20A.080, 74.20A.130 and 74.20A.140 may be taken until the notice requirements of RCW 74.20A.040 are met.

Sec. 17. Section 19, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.190 are each amended to read as follows:

Interest of six percent per annum on any ((child)) support debt due and owing to the department under RCW 74.20A.030 may be collected by the secretary. No provision of this chapter shall be construed to require the secretary to maintain interest balance due accounts and said interest may be waived by the secretary, if said waiver would facilitate the collection of the debt.

Sec. 18. Section 20, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.200 are each amended to read as follows:

Any person against whose property a ((child)) support lien has been filed or an order to withhold and deliver has been served pursuant to this chapter may apply for relief to the superior court of the county wherein the property is located on the basis that no ((child)) support debt is due and owing; PROVIDED, That judicial relief shall not be granted except as provided for in RCW 74.08.080 whenever a fair hearing has been requested pursuant to RCW 74.20A.050. Liens filed during pendency of fair hearing or court review shall be reviewed pursuant to RCW 74.08.080. It is the intent of this chapter that jurisdictional and constitutional issues, if any, shall be subject to review, but that administrative remedies be exhausted prior to judicial review.

Sec. 19. Section 21, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.210 are each amended to read as follows:

All moneys collected in fees, costs, attorney fees, interest payments, or other funds received by the secretary which are unidentifiable as to the ((child)) support account against which they should be credited, shall be held in a special fund from which the secretary may make disbursement for any costs or expenses incurred in the administration or enforcement of the provisions of this chapter.

Sec. 20. Section 22, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.220 are each amended to read as follows:

Any ((child)) support debt due the department from a responsible parent which the secretary deems uncollectible may be transferred from accounts receivable to a suspense account and cease to be accounted as an asset: PROVIDED, That at any time after six years from the date a ((child)) support debt was incurred, the secretary may charge off as uncollectible any ((child)) support debt upon which the secretary finds there is no available, practical, or lawful means by which said debt may be collected: PROVIDED FURTHER, That no proceedings or action under the provisions of this chapter may be begun after expiration of said six year period to institute collection of a ((child)) support debt. Nothing herein shall be construed to render invalid or nonactionable a ((child)) support lien filed prior to the expiration of said six year period or an assignment of earnings or order to withhold and deliver executed prior to the expiration of said six year period.

Sec. 21. Section 23, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.230 are each amended to read as follows:

No employer shall discharge an employee for reason that an assignment of earnings has been presented in settlement of a support debt or that a ((child)) support lien or order to withhold and deliver has been served against said employee's earnings: PROVIDED, That this provision shall not apply if more than three ((child)) support liens or orders to withhold and deliver are served upon the same employer within any period of twelve consecutive months.

Sec. 22. Section 24, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.240 are each amended to read as follows:

Any person, firm, corporation, association, political subdivision or department of the state employing a person owing a ((child)) support debt or obligation, shall honor, according to its terms, a duly executed assignment of earnings presented by the secretary as a plan to satisfy or retire a ((child)) support debt or obligation. This requirement to honor the assignment of earnings and the assignment of earnings itself shall be applicable whether said earnings are to be paid presently or in the future and shall continue in force and effect until released in writing by the secretary. Payment of moneys pursuant to an assignment of earnings presented by the secretary shall serve as full acquittance under any contract of employment, and the state warrants and represents it shall defend and hold harmless such action taken pursuant to said assignment of earnings. The secretary shall be released from liability for improper receipt of moneys under an assignment of earnings upon return of any moneys so received.

Sec. 23. Section 25, chapter 164, Laws of 1971 ex. sess. and RCW 74.20A.250 are each amended to read as follows:

By accepting public assistance for or on behalf of a child or children, the recipient shall be deemed to have made assignment to the department of any and all right, title, and interest in any ((child)) support obligation owed to or for said child or children up to the amount of public assistance money paid for or on behalf of said child or children for such term of time as such public assistance moneys are paid. The recipient shall also be deemed, without the necessity of signing any document, to have appointed the secretary as his or her true and lawful attorney in fact to act in his or her name, place, and stead to perform the specific act of endorsing any and all drafts, checks, money orders or other negotiable instruments representing ((child)) support payments which are received on behalf of said child or children as reimbursement for the public assistance moneys previously paid to said recipient.

NEW SECTION. Sec. 24. There is added to chapter 164, Laws of 1971 ex. sess. and to chapter 74.20A RCW a new section to read as

follows:

One hundred percent of the temporary total disability payments and permanent total disability compensation to a workman allocated by RCW 51.32.090 and 51.32.060 respectively to the spouse and children of a workman, and forty percent of the net proceeds of payments to a workman for permanent partial disability under RCW 51.32.080 shall not be classified as "earnings" but shall be subject to lien or order to withhold and deliver and said lien or order to withhold and deliver shall continue to operate and require any political subdivision or department of the state to withhold the above stated portions at each subsequent disbursement or receipt interval until the entire amount of the support debt stated in the lien or order to withhold and deliver has been withheld.

NEW SECTION. Sec. 25. There is added to chapter 164, Laws of 1971 ex. sess. and to chapter 74.20A RCW a new section to read as follows:

As an alternative to the hearing and appeal procedures provided in RCW 74.20A.050, the secretary may, in the absence of a superior court order, serve on the responsible parent a notice and finding of financial responsibility requiring a responsible parent to appear and show cause in a hearing held by the department why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future for such period of time as the child or children of said responsible parent are in need. Said hearing shall be held pursuant to this 1973 amendatory act, chapter 34.04 RCW, and the rules and regulations of the department, which shall provide for a fair hearing.

The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action. Any responsible parent who objects to all or any part of the notice and finding shall have the right for not more than twenty days from the date of service to request in writing a hearing, which request shall be served upon the secretary or his designee by registered or certified mail or personally. If no such request is made, the notice and finding of responsibility shall become final. If a request is made, the execution of notice and finding of responsibility shall be stayed pending the decision on such hearing, or any direct appeal to the courts from that decision. Hearings may be held in the county of residence or other place convenient to the responsible parent. Any such hearing shall be a "contested case" as defined in RCW 34.04.010. The notice and finding of financial responsibility shall set forth the amount the department has

determined the responsible parent owes, the support debt accrued and/or accruing, and, as appropriate, the amount to be paid thereon each month, all computable on the basis of the amount of the monthly public assistance payment previously paid, or need alleged, and the ability of the responsible parent to pay all, or any portion of the amount so paid and/or being paid and/or to be paid. The notice and finding shall also include a statement of the name of the recipient or custodian and the name of the child or children for whom assistance is being paid or need is alleged; and/or a statement of the amount of periodic future support payments as to which financial responsibility is found.

The notice and finding shall include a statement that the responsible parent may object to all or any part of the notice and finding, request a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future, determined, and the amount to be paid thereon.

The notice and finding shall also include a statement that if the responsible parent fails to request a hearing that the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt shall be subject to collection action; a statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

If a hearing is requested, it shall be promptly scheduled, in no more than thirty days. The hearing examiner shall determine the liability and responsibility, if any, of the alleged responsible parent under RCW 74.20A.030, and shall also determine the amount of periodic payments to be made to satisfy past, present or future liability under RCW 74.20A.030 and/or 26.16.205. In making these determinations, the hearing examiner shall include in his considerations (1) the necessities and requirements of the child or children, exclusive of any income of the custodian of said child or children, (2) the amount of support debt claimed, (3) the public policy and intent of the legislature to require that children be maintained from the resources of responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs, and (4) the abilities and resources of the responsible parent.

If the responsible parent fails to appear at the hearing, upon a showing of valid service, the hearing examiner shall enter a decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. Within

fifteen days of entry of said decision and order, the responsible parent may petition the department to vacate said decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010.

The hearing examiner shall, within twenty days of the hearing, enter findings, conclusions and a final decision determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner entered pursuant to this section shall be entered as a decision and order and shall limit the support debt under RCW 74.20A.030 to the amounts stated in said decision: PROVIDED, That said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision: PROVIDED FURTHER, That in the absence of a superior court order either the responsible parent or the department may petition the secretary or his designee for issuance of an order to appear and show cause based on a showing of good cause and material change of circumstances, to require the other party to appear and show cause why the decision previously entered should not be prospectively modified. Said order to appear and show cause together with a copy of the affidavit upon which the order is based shall be served in the manner of a summons in a civil action on the other party by the petitioning party. A hearing shall be set not less than fifteen nor more than thirty days from the date of service, unless extended for good cause shown. Prospective modification may be ordered, but only upon a showing of good cause and material change of circumstances.

The department, in its original determinations, and the hearing examiner in making determinations based on objections to original determinations or on petitions to modify, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent.

Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by the hearing examiner.

"Need" as used in this section shall mean the necessary costs of food, clothing, shelter and medical attendance for the support of a dependent child or children.

NEW SECTION. Sec. 26. This 1973 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.

V NEW SECTION. Sec. 27. The provisions of this 1973 amendatory act shall expire and become null and void July 1, 1975.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973, with the exception of Section 27 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith without my approval as to one item House Bill No. 305 entitled:

Veto
Message

"AN ACT Relating to public assistance."

This act makes various amendments to the law establishing procedures for collection of support for dependent children supported by public assistance grants. This program is responsible for several million dollars in collections annually which are deposited in the state general fund.

Section 27 of this bill, which was not included in the original bill requested by the department of social and health services, would terminate the whole act, first adopted in 1971, on July 1, 1975. This act provides the whole basis for the very successful program in collection of delinquent support payments. It is neither necessary nor appropriate to terminate it in the foreseeable future.

Accordingly, I have determined to veto that item consisting of section 27. With that exception, House Bill No. 305 is approved."

CHAPTER 184

[Substitute House Bill No. 391]

CONSERVATION DISTRICTS LAW--STATE CONSERVATION
COMMISSION--POWERS AND DUTIES

AN ACT Relating to conservation; amending section 1, chapter 187, Laws of 1939 as amended by section 1, chapter 240, Laws of 1961 and RCW 89.08.005; amending section 2, chapter 187, Laws of 1939 and RCW 89.08.010; amending section 3, chapter 187, Laws of 1939 as last amended by section 2, chapter 240, Laws of 1961 and RCW 89.08.020; amending section 3, chapter 304, Laws of 1955 as last amended by section 1, chapter 217, Laws of 1967 and RCW 89.08.030; amending section 4, chapter 304, Laws of 1955 as amended by section 4, chapter 240, Laws of

1961 and RCW 89.08.040; amending section 5, chapter 304, Laws of 1955 as amended by section 5, chapter 240, Laws of 1961 and RCW 89.08.050; amending section 6, chapter 304, Laws of 1955 and RCW 89.08.060; amending section 7, chapter 304, Laws of 1955 as amended by section 6, chapter 240, Laws of 1961 and RCW 89.08.070; amending section 1, chapter 17, Laws of 1961 as amended by section 7, chapter 240, Laws of 1961 and RCW 89.08.080; amending section 9, chapter 304, Laws of 1955 and RCW 89.08.090; amending section 10, chapter 304, Laws of 1955 and RCW 89.08.100; amending section 11, chapter 304, Laws of 1955 and RCW 89.08.110; amending section 12, chapter 304, Laws of 1955 as amended by section 8, chapter 240, Laws of 1961 and RCW 89.08.120; amending section 13, chapter 304, Laws of 1955 and RCW 89.08.130; amending section 14, chapter 304, Laws of 1955 and RCW 89.08.140; amending section 15, chapter 304, Laws of 1955 and RCW 89.08.150; amending section 16, chapter 304, Laws of 1955 and RCW 89.08.160; amending section 17, chapter 304, Laws of 1955 as amended by section 9, chapter 240, Laws of 1961 and RCW 89.08.170; amending section 18, chapter 304, Laws of 1955 as amended by section 10, chapter 240, Laws of 1961 and RCW 89.08.180; amending section 6, chapter 187, Laws of 1939 as last amended by section 2, chapter 217, Laws of 1967 and RCW 89.08.190; amending section 21, chapter 304, Laws of 1955 as amended by section 12, chapter 240, Laws of 1961 and RCW 89.08.200; amending section 22, chapter 304, Laws of 1955 and RCW 89.08.210; amending section 23, chapter 304, Laws of 1955 as last amended by section 1, chapter 110, Laws of 1963 and RCW 89.08.220; amending section 25, chapter 304, Laws of 1955 and RCW 89.08.350; amending section 26, chapter 304, Laws of 1955 and RCW 89.08.360; amending section 27, chapter 304, Laws of 1955 and RCW 89.08.370; amending section 28, chapter 304, Laws of 1955 and RCW 89.08.380; adding a new section to chapter 89.08 RCW; creating new sections; and repealing section 14, chapter 187, Laws of 1939, section 14, chapter 240, Laws of 1961 and RCW 89.08.340.

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

Section 1. Section 1, chapter 187, Laws of 1939 as amended by section 1, chapter 240, Laws of 1961 and RCW 89.08.005 are each amended to read as follows:

This chapter shall be known and cited as the ((~~soil~~ and ~~water~~)) conservation districts law.

Sec. 2. Section 2, chapter 187, Laws of 1939 and RCW 89.08.010 are each amended to read as follows:

It is hereby declared, as a matter of legislative determination:

(1) That the ((farm and grazing)) lands of the state of Washington are among the basic assets of the state and that the preservation of these lands is necessary to protect and promote the health, safety, and general welfare of its people; that improper land-use practices have caused and have contributed to, and are now causing and contributing to, a progressively more serious erosion of the ((farm and grazing)) lands of this state by wind and water; that the breaking of natural grass, plant and forest cover have interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus, and developing a soil condition that favors erosion; that the topsoil is being blown and washed ((out of fields and pastures)) off of lands; that there has been an accelerated washing of sloping ((fields)) lands; that these processes of erosion by wind and water speed up with removal of absorptive topsoil, causing exposure of less absorptive and less protective but more erosive subsoil; that failure by any ((landowner)) land occupier to conserve the soil and control erosion upon his lands may cause((s)) a washing and blowing of soil ((and water)) from his lands onto other lands and makes the conservation of soil and control of erosion on such other lands difficult or impossible, and that extensive denuding of land for development creates critical erosion areas that are difficult to effectively regenerate and the resulting sediment causes extensive pollution of streams, ponds, lakes and other waters.

(2) That the consequences of such soil erosion in the form of soil blowing and soil washing are the silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors, and loading the air with soil particles; the loss of fertile soil material in dust storms; the piling up of soil on lower slopes and its deposit over alluvial plains; the reduction in productivity or outright ruin of rich bottom lands by overwash of poor subsoil material, sand, and gravel swept out of the hills; deterioration of soil and its fertility, deterioration of crops grown thereon, and declining acre yields despite development of scientific processes for increasing such yields; loss of soil and water which causes destruction of food and cover for wildlife; a blowing and washing of soil into streams which silts over spawning beds, and destroys water plants, diminishing the food supply of fish; a diminishing of the underground water reserve, which causes water shortages, intensifies periods of drought, and causes crop failures; an increase in the speed and volume of rainfall run-off, causing severe and increasing floods, which bring suffering, disease, and death; impoverishment of families attempting to farm eroding and eroded lands; damage to roads, highways, railways, ((farm)) buildings, and other property from floods and from dust storms; and losses in navigation, hydroelectric

power, municipal water supply, irrigation developments, farming and grazing.

(3) That to conserve soil resources and control and prevent soil erosion and prevent flood water and sediment damages, and further agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention of agricultural and nonagricultural phases of the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, flood water retarding structures, channel floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, contour cultivating, and contour furrowing; land irrigation; seeding and planting of waste, sloping, abandoned, or eroded lands to water-conserving and erosion-preventing plants, trees, and grasses; forestation and reforestation; rotation of crops; soil stabilizations with trees, grasses, legumes, and other thick-growing, soil-holding crops, retardation of run-off by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

(4) Whereas, there is a pressing need for the conservation of renewable resources in all areas of the state, whether urban, suburban, or rural, and that the benefits of resource practices, programs, and projects, as carried out by the state conservation commission and by the conservation districts, should be available to all such areas; therefore, it is hereby declared to be the policy of the legislature to provide for the conservation of the ((soil and soil)) renewable resources of this state, and for the control and prevention of soil erosion, and for the prevention of flood water and sediment damages, and for furthering agricultural and nonagricultural phases of conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state. To this end all incorporated cities and towns heretofore excluded from the boundaries of a conservation district established pursuant to the provisions of the state conservation district law, as amended, may be approved by the conservation commission as being included in and deemed a part of the district upon receiving a petition for

annexation signed by the governing authority of the city or town and the conservation district within the exterior boundaries of which it lies in whole or in part or to which it lies closest.

Sec. 3. Section 3, chapter 187, Laws of 1939 as last amended by section 2, chapter 240, Laws of 1961 and RCW 89.08.020 are each amended to read as follows:

Unless the context clearly indicates otherwise, as used in this chapter:

"~~((Committee))~~ Commission" and "~~((conservation committee))~~ state conservation commission" mean the ~~((state soil and water conservation committee))~~ agency created hereunder. All former references to "state soil and water conservation committee", "state committee" or "committee" shall be deemed to be references to the "state conservation commission";

"District", or "conservation district" means a ~~((soil and water conservation district created hereunder))~~ governmental subdivision of this state and a public body corporate and politic, organized in accordance with the provisions of this 1973 amendatory act, for the purposes, with the powers, and subject to the restrictions set forth in this chapter. All districts created under this 1973 amendatory act shall be known as conservation districts and shall have all the powers and duties set out in this 1973 amendatory act. All references in this 1973 amendatory act to "districts", or "soil and water conservation districts" shall be deemed to be reference to "conservation districts";

"Board" and "supervisors" mean the board of supervisors of a ~~((soil and water))~~ conservation district;

~~(("Land owner" or "owner of land" means the holder of legal or equitable title to land in a district~~;

"Tenant" means person or persons who operate a farm under a lease, crop share or similar arrangement;)

"Land occupier" or "occupier of land" includes any person, firm, political subdivision, government agency, municipality, public or private corporation, copartnership, association, or any other entity whatsoever which holds title to, or is in possession of, any lands lying within a district organized under the provisions of this 1973 amendatory act, whether as owner, lessee, renter, tenant, or otherwise;

"District elector" means a qualified county elector occupying land within the district boundary;

"Due notice" means a notice published at least twice, with at least six days between publications, in a publication of general circulation within the affected area, or if there is no such publication, by posting at a reasonable number of public places within the area, where it is customary to post notices concerning

county and municipal affairs. Any hearing held pursuant to due notice may be postponed from time to time without a new notice;

"Renewable natural resources", "natural resources" or "resources" includes land, air, water, vegetation, fish, wildlife, wild rivers, wilderness, natural beauty, scenery and open space;

"Conservation" includes conservation, development, improvement, maintenance, preservation, protection and use, and alleviation of floodwater and sediment damages, and the disposal of excess surface waters.

"Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to agricultural uses; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

Sec. 4. Section 3, chapter 304, Laws of 1955 as last amended by section 1, chapter 217, Laws of 1967 and RCW 89.08.030 are each amended to read as follows:

There is hereby ~~((created))~~ established to serve as an agency of the state and to perform the functions conferred upon it in this 1973 amendatory act, the state ~~((soil and water))~~ conservation ((committee)) commission, which shall succeed to all powers, duties and property of the state soil and water conservation committee.

The ~~((committee))~~ commission shall consist of seven members, two of whom are ex officio. Two members shall be appointed by the governor, one of whom shall be a landowner or operator of a farm. At least two of the three elected members shall be landowners or operators of a farm and shall be elected as herein provided. The appointed members shall serve for a term of four years.

The three elected members shall be elected for three-year terms, one shall be elected each year by the district supervisors at

their annual statewide meeting. One of the members shall reside in eastern Washington, one in central Washington and one in western Washington, the specific boundaries to be determined by district supervisors. At the first such election, the term of the member from western Washington shall be one year, central Washington two years and eastern Washington three years, and successors shall be elected for three years.

Unexpired term vacancies in the office of appointed ((committee)) commission members shall be filled by appointment by the governor in the same manner as full-term appointments. Unexpired terms of elected ((committee)) commission members shall be filled by the regional vice president of the Washington association of ((soil and water)) conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the ((committee)) commission member.

The director of the department of ((conservation)) ecology and the dean of the college of agriculture at Washington State University shall be ex officio members of the ((committee)) commission. An ex officio member of the ((committee)) commission shall hold office so long as he retains the office by virtue of which he is a member of the ((committee)) commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

Sec. 5. Section 4, chapter 304, Laws of 1955 as amended by section 4, chapter 240, Laws of 1961 and RCW 89.08.040 are each amended to read as follows:

((The committee shall designate its chairman from time to time)) Members shall receive no compensation, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties.

The ((committee)) commission shall keep a record of ((all)) its official actions, ((proceedings, resolutions, regulations, and orders, provide for an annual audit of its accounts)) shall adopt a seal, which shall be judicially noticed, ((adopt and promulgate rules)) and may perform such acts, hold such public hearings, and ((do all things necessary to carry out its functions)) promulgate such rules and regulations as may be necessary for the execution of its functions under this 1973 amendatory act. The state department of ((conservation)) ecology is empowered to pay the necessary per diem and travel expenses of the ((farmer)) elected and appointed members of the state ((soil and water)) conservation ((committee)) commission, and the salaries, wages and other expenses of such

administrative officers or other employees as may be required under the provisions of this chapter.

Sec. 6. Section 5, chapter 304, Laws of 1955 as amended by section 5, chapter 240, Laws of 1961 and RCW 89.08.050 are each amended to read as follows:

The ((committee)) commission may employ an administrative officer, and such technical experts and such other agents and employees, permanent and temporary as it may require((s)), and shall determine their qualifications, duties, and compensation((, and)). The commission may call upon the attorney general for such legal services as it may require.

It ((may)) shall have authority to delegate to its chairman ((or)), to one or more of its members, to one or more agents or employees such duties and powers as it deems proper. ((It shall provide for surety bonds for its officers and employees entrusted with funds or property.)) It shall be supplied with suitable office accommodations at the central office of the department of ecology, and shall be furnished the necessary supplies and equipment.

The commission shall organize annually and select a chairman from among its members, who shall serve for one year from the date of his selection. A majority of the ((committee)) commission shall constitute a quorum((, and a majority must concur in any matter calling for committee action)) and all actions of the commission shall be by a majority vote of the members present and voting at a meeting at which a quorum is present.

Sec. 7. Section 6, chapter 304, Laws of 1955 and RCW 89.08.060 are each amended to read as follows:

((The committee may request)) Upon request of the commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency or state institution of learning ((to make studies, surveys, and reports on any matter relating to its functions, and may request that a member of the personnel of such agency or institution be assigned to it as assistant, and such requests shall be complied with so far as possible and practicable)) may, insofar as may be possible under available appropriations and having due regard to the needs of the agency to which the request is directed, assign or detail to the commission, members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys, or studies as the commission may request.

Sec. 8. Section 7, chapter 304, Laws of 1955 as amended by section 6, chapter 240, Laws of 1961 and RCW 89.08.070 are each amended to read as follows:

In addition to the duties and ((responsibilities)) powers hereinafter conferred upon the ((committee)) commission, it shall have the following duties and ((responsibilities)) powers:

(1) To offer such assistance as may be appropriate to the supervisors of (~~soil and water~~) conservation districts organized under the provisions of this 1973 amendatory act, in the carrying out of any of their powers and programs;

(a) to assist and guide districts in the preparation and carrying out of programs for resource conservation authorized under this act;

(b) to review district programs;

(c) to coordinate the programs of the several districts and resolve any conflicts in such programs;

(d) to facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special purpose districts, counties, and other public agencies.

(2) To keep the supervisors of each of the several (~~soil and water~~) conservation districts organized under the provisions of this 1973 amendatory act informed of the activities and experience of all other (~~such~~) districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.

(3) (~~To coordinate the programs of the several soil and water conservation districts so far as this may be done by advice and consultation;~~) To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with any state, federal, interstate, or other public or private agency, organization, or individual, and advise the districts concerning such agreements or forms of agreements.

(4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this state in the work of such districts.

(5) To recommend the inclusion in annual and longer term budgets and appropriation legislation of the state of Washington of funds necessary for appropriation by the legislature to finance the activities of the commission and the conservation districts; to administer the provisions of any law hereinafter enacted by the legislature appropriating funds for expenditure in connection with the activities of conservation districts; to distribute to conservation districts funds, equipment, supplies and services received by the commission for that purpose from any source, subject to such conditions as shall be made applicable thereto in any state or federal statute or local ordinance making available such funds, property or services; to issue regulations establishing guidelines and suitable controls to govern the use by conservation districts of such funds, property and services; and to review all budgets, administrative procedures and operations of such districts and advise

the districts concerning their conformance with applicable laws and regulations.

(6) To encourage the cooperation and collaboration of state, federal, regional, interstate and local public and private agencies with the conservation districts, and facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation of renewable natural resources.

(7) To disseminate information throughout the state concerning the activities and programs of the ((soil and water)) conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable; to make available information concerning the needs and the work of the conservation district and the commission to the governor, the legislature, executive agencies of the government of this state, political subdivisions of this state, cooperating federal agencies, and the general public.

((6) To establish policies for utilization of state appropriations by the committee and by districts and to decide on distribution and use of such funds within the state; also to manage any other funds which may become available for use by districts or by the committee;))

(8) Pursuant to procedures developed mutually by the commission and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of renewable natural resources, to receive from such agencies for review and comment suitable descriptions of their plans, programs and activities for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs, to call attention to omissions, and to avoid duplication of effort.

(9) To compile information and make studies, summaries and analysis of district programs in relation to each other and to other resource conservation programs on a state-wide basis.

(10) To assist conservation districts in obtaining legal services from state and local legal officers.

(11) To require annual reports from conservation districts, the form and content of which shall be developed by the commission.

(12) To establish by regulations, with the assistance and advice of the state auditor's office, adequate and reasonably uniform accounting and auditing procedures which shall be used by conservation districts.

Sec. 9. Section 1, chapter 17, Laws of 1961 as amended by section 7, chapter 240, Laws of 1961 and RCW 89.08.080 are each

amended to read as follows:

To form a ((soil and water)) conservation district, twenty-five or more persons ((owning)) occupying land within the area to be affected may file a petition with the ((committee)) commission asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the ((committee)) commission determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the ((committee)) commission may consolidate all or any of them.

Sec. 10. Section 9, chapter 304, Laws of 1955 and RCW 89.08.090 are each amended to read as follows:

Within thirty days after a petition is filed, the ((committee)) commission shall give due notice of the time and place of a public hearing thereon. At the hearing all interested persons shall be heard.

If it appears to the ((committee)) commission that additional land should be included in the district, the hearing shall be adjourned and a new notice given covering the entire area and a new date fixed for further hearing, unless waiver of notice by the owners of the additional land is filed with the ((committee)) commission.

No district shall include any portion of a railroad right of way, or another similar district. The lands included in a district need not be contiguous.

Sec. 11. Section 10, chapter 304, Laws of 1955 and RCW 89.08.100 are each amended to read as follows:

After the hearing, if the ((committee)) commission finds that the public health, safety, and welfare warrant the creation of the district, it shall enter an order to that effect and define the boundaries thereof by metes and bounds or by legal subdivisions.

In making its findings the ((committee)) commission shall consider the topography of the particular area and of the state generally; the composition of the soil; the distribution of erosion; the prevailing land use practices; the effects upon and benefits to the land proposed to be included; the relation of the area to existing watersheds and agricultural regions and to other similar districts organized or proposed; and consider such other physical, geographical, and economic factors as are relevant.

If the ((committee)) commission finds there is no need for the district, it shall enter an order denying the petition, and no petition covering the same or substantially the same area may be

filed within six months thereafter.

Sec. 12. Section 11, chapter 304, Laws of 1955 and RCW 89.08.110 are each amended to read as follows:

If the ((committee)) commission finds that the district is needed, it shall then determine whether it is practicable. To assist the ((committee)) commission in determining this question, it shall, within a reasonable time, submit the proposition to a vote of the ((landowners and tenants)) land occupiers in the proposed district.

The ((committee)) commission shall fix the date of the election, ((establish the voting precincts,)) designate the polling places, fix the hours for opening and closing the polls, and appoint the election officials. The election shall be conducted, the vote counted and returns canvassed and the results published by the ((committee in the same manner as is done in general county elections)) commission.

Sec. 13. Section 12, chapter 304, Laws of 1955 as amended by section 8, chapter 240, Laws of 1961 and RCW 89.08.120 are each amended to read as follows:

The ((committee)) commission shall provide the ballots for the election which shall contain the words

"n For creation of a ((soil and water)) conservation district of the lands below described and lying in the county or counties of,, and, " and

"n Against creation of a ((soil and water)) conservation district of the lands below described and lying in the county or counties of,, and, ."

The ballot shall set forth the boundaries of the proposed district, and contain a direction to insert an X in the square of the voter's choice.

Sec. 14. Section 13, chapter 304, Laws of 1955 and RCW 89.08.130 are each amended to read as follows:

The ((committee)) commission shall give due notice of the election, which shall state generally the purpose of the election, the date thereof, the place and hours of voting, and set forth the boundaries of the proposed district.

Only ((owners of land and tenants)) qualified electors within the proposed district as determined by the ((committee)) commission may vote at the election. Each voter shall vote in the ((precinct of)) polling place nearest his residence. If he resides outside the district, he shall vote at the nearest polling place ((in)) of the district.

Sec. 15. Section 14, chapter 304, Laws of 1955 and RCW 89.08.140 are each amended to read as follows:

The ((committee)) commission shall bear all expense of giving the notices and conducting the hearings and election, and shall issue

regulations governing all hearings and elections and supervise the conduct thereof. It shall provide for registration of eligible voters or prescribe the procedure to determine the eligible voters. No informality in connection with the election shall invalidate the results, if the notice thereof was substantially given, and the election fairly conducted.

Sec. 16. Section 15, chapter 304, Laws of 1955 and RCW 89.08.150 are each amended to read as follows:

If a majority of the votes cast at the election are against the creation of the district, the ~~((committee))~~ commission shall deny the petition. If a majority favor the district, the ~~((committee))~~ commission shall determine the practicability of the project.

In making such determination, the ~~((committee))~~ commission shall consider the attitude of the ~~((landowners))~~ land occupiers of the district; the number of eligible voters who voted at the election; the size of the majority vote; the wealth and income of the ~~((landowners))~~ land occupiers; the probable expense of carrying out the project; and any other economic factors relevant thereto.

If the ~~((committee))~~ commission finds that the project is impracticable it shall enter an order to that effect and deny the petition. When the petition has been denied, no new petition covering the same or substantially the same area may be filed within six months therefrom.

Sec. 17. Section 16, chapter 304, Laws of 1955 and RCW 89.08.160 are each amended to read as follows:

If the ~~((committee))~~ commission finds the project practicable, it shall appoint two supervisors, one of whom shall be a landowner or operator of a farm, who shall be qualified by training and experience to perform the specialized skilled services required of them. They, with the three elected supervisors, two of whom shall be landowners or operators of a farm, shall constitute the governing board of the district.

The two appointed supervisors shall file with the secretary of state a sworn application, reciting that a petition was filed with the ~~((committee))~~ commission for the creation of the district; that all required proceedings were had thereon; that they were appointed by the ~~((committee))~~ commission as such supervisors; and that the application is being filed to complete the organization of the district. It shall contain the names and residences of the applicants, a certified copy of their appointments, the name of the district, the location of the office of the supervisors and the term of office of each applicant.

The application shall be accompanied by a statement of the ~~((committee))~~ commission, reciting that a petition was filed, notice issued, and hearing held thereon as required; that it determined the

need for the district and defined the boundaries thereof; that notice was given and an election held on the question of creating the district; that a majority vote favored the district, and that the ((committee)) commission had determined the district practicable; and shall set forth the boundaries of the district.

Sec. 18. Section 17, chapter 304, Laws of 1955 as amended by section 9, chapter 240, Laws of 1961 and RCW 89.08.170 are each amended to read as follows:

If the secretary of state finds that the name of the proposed district is such as will not be confused with that of any other district, he shall enter the application and statement in his records. If he finds the name may be confusing, he shall certify that fact to the ((committee)) commission, which shall submit a new name free from such objections, and he shall enter the application and statement as modified, in his records. Thereupon the district shall be considered organized into a body corporate.

The secretary of state shall then issue to the supervisors a certificate of organization of the district under the seal of the state, and shall record the certificate in his office. Proof of the issuance of the certificate shall be evidence of the establishment of the district, and a certified copy of the certificate shall be admissible as evidence and shall be proof of the filing and contents thereof. The name of a ((soil and water)) conservation district may be changed upon recommendation by the supervisors of a district and approval by the state ((soil and water)) conservation ((committee)) commission and the secretary of state. The new name shall be recorded by the secretary of state following the same general procedure as for the previous name.

Sec. 19. Section 18, chapter 304, Laws of 1955 as amended by section 10, chapter 240, Laws of 1961 and RCW 89.08.180 are each amended to read as follows:

Territory may be added to an existing district upon filing a petition as in the case of formation with the ((committee)) commission by ((owners and tenants)) occupiers of the lands to be included. The same procedure shall be followed as for the creation of the district.

As an alternate procedure, the ((committee)) commission may upon the petition of a majority of the ((owners of land and tenants)) land occupiers in any one or more districts or in unorganized territory adjoining a conservation district change the boundaries of a district, or districts, if such action will promote the practical and feasible administration of such district or districts.

Upon petition of the boards of supervisors of two or more districts, the ((committee)) commission may approve the combining of all or parts of such districts and name the district, or districts,

with the approval of the name by the secretary of state. A public hearing and/or a referendum may be held if deemed necessary or desirable by the ((committee)) commission in order to determine the wishes of ((landowners and tenants)) land occupiers.

When districts are combined, the joint boards of supervisors will first select a chairman, secretary and other necessary officers and select a regular date for meetings. All elected supervisors will continue to serve as members of the board until the expiration of their current term of office, and/or until the election date nearest their expiration date. ((One supervisor shall be elected each year*)) All appointed supervisors will continue to serve until the expiration of their current term of office, at which time the ((committee)) commission will make the necessary appointments. In the event that more than two districts are combined, a similar procedure will be set up and administered by the ((committee)) commission.

When districts are combined or territory is moved from one district to another, the property, records and accounts of the districts involved shall be distributed to the remaining district or districts as approved by the ((committee)) commission. A new certificate of organization, naming and describing the new district or districts, shall be issued by the secretary of state.

Sec. 20. Section 6, chapter 187, Laws of 1939 as last amended by section 2, chapter 217, Laws of 1967 and RCW 89.08.190 are each amended to read as follows:

Within thirty days after the issuance of the certificate of organization, unless the time is extended by the ((committee)) commission, petitions shall be filed with the ((committee)) commission to nominate candidates for the three elected supervisors. The petition shall be signed by not less than twenty-five district ((voters)) electors, and a ((voter)) district elector may sign petitions nominating more than one person.

In the case of a new district, the ((committee)) commission shall give due notice to elect the three supervisors. All provisions pertaining to elections on the creation of a district shall govern this election so far as applicable. The names of all nominees shall appear on the ballot in alphabetical order, together with instructions to vote for three. The three candidates receiving the most votes shall be declared elected supervisors, the one receiving the most being elected for a three-year term, the next for two and the last for one year. An alternate method of dividing the district into three zones may be used when requested by the board of supervisors and approved by the ((committee)) commission. In such case, instructions will be to vote for one in each zone. The candidate receiving the most votes in a zone shall be declared

elected.

Each year after the creation of the first board of supervisors, the board shall by resolution and by giving due notice, set a date during the first quarter of each calendar year (~~for an annual meeting of the voters in the district;~~) at which time it shall conduct an election(~~;~~ ~~present an annual report and a financial statement~~). Names of candidates nominated by petition shall appear in alphabetical order on the ballots, together with an extra line wherein may be written in the name of any other candidate. The ~~(committee)~~ commission shall establish procedures for elections, canvass the returns and announce the official results thereof. Election results may be announced by polling officials (~~during the annual meeting;~~) at the close of the election subject to official canvass of ballots by the ~~(committee)~~ commission. Supervisors elected shall take office at the first board meeting (~~which shall be held within thirty days~~) following the election.

Sec. 21. Section 21, chapter 304, Laws of 1955 as amended by section 12, chapter 240, Laws of 1961 and RCW 89.08.200 are each amended to read as follows:

The term of office of each supervisor shall be three years and until his successor is appointed or elected and qualified, except that the supervisors first appointed shall serve for one and two years respectively from the date of their appointments, as designated in their appointments.

In the case of elected supervisors, the term of office of each supervisor shall be three years and until his successor is elected and qualified, except that for the first election, the one receiving the largest number of votes shall be elected for three years; the next largest two years; and the third largest one year. Successors shall be elected for three-year terms.

Vacancies in the office of appointed supervisors shall be filled by the state ~~(soil and water)~~ conservation ~~(committee)~~ commission. Vacancies in the office of elected supervisors shall be filled by appointment made by the remaining supervisors for the unexpired term.

A majority of the supervisors shall constitute a quorum and the concurrence of a majority is required for any official action or determination.

Supervisors shall serve without compensation, but they shall be entitled to expenses, including traveling expenses, necessarily incurred in discharge of their duties. A supervisor may be removed by the state ~~(soil and water)~~ conservation ~~(committee)~~ commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The governing board shall designate a chairman from time to

time.

Sec. 22. Section 22, chapter 304, Laws of 1955 and RCW 89.08.210 are each amended to read as follows:

The ((board)) supervisors may employ ((all necessary clerical and)) a secretary, technical ((assistants) experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and determine ((the)) their qualifications, duties, and compensation ((of its employees)). It may call upon the attorney general for legal services, or may employ its own counsel and legal staff. ((It)) The supervisors may delegate to ((its)) their chairman, to one or more supervisors, or to one or more agents or employees such powers and duties as it deems proper. The supervisors shall furnish to the commission, upon request, copies of such internal rules, regulations, orders, contracts, forms, and other documents as they shall adopt or employ, and such other information concerning their activities as the commission may require in the performance of its duties under this 1973 amendatory act. ((It)) The supervisors shall provide for the execution of surety bonds for ((the)) officers and all employees who shall be entrusted with funds or property.

The ((board)) supervisors shall ((keep a)) provide for the keeping of a full and accurate record of all ((its)) proceedings, resolutions, ((rules,)) regulations, and orders((, and ordinances, which shall be open to public inspection and remain in the custody and control of its chairman)) issued or adopted. ((It)) The supervisors shall provide for an annual audit of ((its)) the accounts of receipts and disbursements in accordance with procedures prescribed by regulations of the commission. ((It shall furnish the committee, upon request, copies of its rules, regulations, orders, documents and instruments used by it, and any other information concerning its activities;))

The board may invite the legislative body of any municipality or county near or within the district, to designate a representative to advise and consult with it on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county. The governing body of a district shall appoint such advisory committees as may be needed to assure the availability of appropriate channels of communication to the board of supervisors, to persons affected by district operations, and to local, regional, state and interstate special-purpose districts and agencies responsible for community planning, zoning, or other resource development activities. The district shall keep such committees informed of its work, and such advisory committees shall submit recommendations from time to time to the board of supervisors.

Sec. 23. Section 23, chapter 304, Laws of 1955 as last

amended by section 1, chapter 110, Laws of 1963 and RCW 89.08.220 are each amended to read as follows:

A conservation district organized under the provisions of this 1973 amendatory act shall constitute a governmental subdivision of this state, and a public body corporate and politic exercising public powers, but shall not levy taxes or issue bonds((+)) and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this 1973 amendatory act:

((A district may:))

(1) ((Conduct, in cooperation with the Washington State University and any state or federal agency; surveys relating to water and to the character of soil erosion and control measures needed within the district; publish the results thereof; and disseminate the information concerning such measures)) To conduct surveys, investigations, and research relating to the conservation of renewable natural resources and the preventive and control measures and works of improvement needed, to publish the results of such surveys, investigations, or research, and to disseminate information concerning such preventive and control measures and works of improvement: PROVIDED, That in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this state or any of its agencies, or with the United States or any of its agencies;

(2) ((Conduct demonstrational projects within the district on lands or waters controlled by any state agency in cooperation with such agency and on other lands or waters within the district with the consent of the owner thereof; in order to demonstrate how soil or water and soil and water resources may be conserved and soil erosion prevented and controlled)) To conduct educational and demonstrational projects on any lands within the district upon obtaining the consent of the occupier of such lands and such necessary rights or interests in such lands as may be required in order to demonstrate by example the means, methods, measures, and works of improvement by which the conservation of renewable natural resources may be carried out;

(3) To carry out preventative and control measures and works of improvement for the conservation of renewable natural resources, ((such as engineering operations, methods of cultivation, growing of vegetation or changes in water use or land use on land or water)) within the district((; with the consent and cooperation of the person or agency owning it or in control thereof)) including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of lands, and the measures listed in section 2 of this 1973 amendatory act, on any lands within the district upon obtaining the consent of the occupier of such lands

and such necessary rights or interests in such lands as may be required;

(4) To cooperate or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to any agency ((or landowner or tenant and furnish financial or other aid)), governmental or otherwise, or any occupier of lands within the district in the carrying on ((erosion control and preventive operations)) of preventive and control measures and works of improvement for the conservation of renewable natural resources within the district, ((as the board)) subject to such conditions as the supervisors may deem((s)) necessary to ((carry out)) advance the purposes of this ((chapter)) 1973 amendatory act;

(5) To obtain options upon and to acquire in any manner, except by condemnation, ((any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes)) by purchase, exchange, lease, gift, bequest, devise, or otherwise, any property, real or personal, or rights or interests therein; to maintain, administer, and improve any properties acquired, to receive income from such properties and to expend such income in carrying out the purposes and provisions of this 1973 amendatory act; and to sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and the provisions of this act;

(6) To make available ((to landowners and tenants in)), on such terms, as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them ((to conserve their water and soil resources and prevent and control soil erosion)) to carry on operations upon their lands for the conservation of renewable natural resources;

(7) ((Develop detailed comprehensive plans for the conservation of water and soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;)) To prepare and keep current a comprehensive long-range program recommending the conservation of all the renewable natural resources of the district. Such programs shall be directed toward the best use of renewable natural resources and in a manner that will best meet the needs of the district and the state, taking into consideration, where appropriate, such uses as farming, grazing, timber supply, forest, parks, outdoor recreation, potable water supplies for urban and rural areas, water for agriculture, minimal flow, and industrial uses, watershed stabilization, control of soil erosion, retardation of water run-off, flood prevention and control, reservoirs and other water storage, restriction of

developments of flood plains, protection of open space and scenery, preservation of natural beauty, protection of fish and wildlife, preservation of wilderness areas and wild rivers, the prevention or reduction of sedimentation and other pollution in rivers and other waters, and such location of highways, schools, housing developments, industries, airports and other facilities and structures as will fit the needs of the state and be consistent with the best uses of the renewable natural resources of the state. The program shall include an inventory of all renewable natural resources in the district, a compilation of current resource needs, projections of future resource requirements, priorities for various resource activities, projected timetables, descriptions of available alternatives, and provisions for coordination with other resource programs.

The district shall also prepare an annual work plan, which shall describe the action programs, services, facilities, materials, working arrangements and estimated funds needed to carry out the parts of the long-range programs that are of the highest priorities.

The districts shall hold public hearings at appropriate times in connection with the preparation of programs and plans, shall give careful consideration to the views expressed and problems revealed in hearings, and shall keep the public informed concerning their programs, plans, and activities. Occupiers of land shall be invited to submit proposals for consideration to such hearings. The districts may supplement such hearings with meetings, referenda and other suitable means to determine the wishes of interested parties and the general public in regard to current and proposed plans and programs of a district. They shall confer with public and private agencies, individually and in groups, to give and obtain information and understanding of the impact of district operations upon agriculture, forestry, water supply and quality, flood control, particular industries, commercial concerns and other public and private interests, both rural and urban.

Each district shall submit to the commission its proposed long-range program and annual work plans for review and comment.

The long-range renewable natural resource program, together with the supplemental annual work plans, developed by each district under the foregoing procedures shall have official status as the authorized program of the district, and it shall be published by the districts as its "renewable resources program". Copies shall be made available by the districts to the appropriate counties, municipalities, special purpose districts and state agencies, and shall be made available in convenient places for examination by public land occupier or private interest concerned. Summaries of the program and selected material therefrom shall be distributed as widely as feasible for public information;

(8) ((Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring, constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;)) To administer any project or program concerned with the conservation of renewable natural resources located within its boundaries undertaken by any federal, state, or other public agency by entering into a contract or other appropriate administrative arrangement with any agency administering such project or program;

(9) Cooperate with other districts organized under this ((chapter)) 1973 amendatory act in the exercise of any of its powers;

(10) ((Construct, improve, and maintain structures necessary or convenient for its purposes and borrow moneys from any agency of the United States or from other lending agencies for the purpose of carrying out said activities; and)) To accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, from this state or any of its agencies, or from any other source, and to use or expend such moneys, services, materials, or any contributions in carrying out the purposes of this act;

(11) To sue and be sued in ((its)) the name of the district; ((adopt)) to have a seal which shall be judicially noticed; have perpetual ((existence, subject to termination provided herein)) succession unless terminated as hereinafter provided; ((execute all instruments necessary for its purposes;)) to make and execute contracts and other instruments, necessary or convenient to the exercise of its powers; to borrow money and to pledge, mortgage and assign the income of the district and its real or personal property therefor; and to make ((and)), amend rules and regulations not inconsistent with this 1973 amendatory act and to carry ((out)) into effect its purposes((+));

(12) Any two or more districts may engage in joint activities by agreement between or among them in planning, financing, constructing, operating, maintaining, and administering any program or project concerned with the conservation of renewable natural resources. The districts concerned may make available for purposes of the agreement any funds, property, personnel, equipment, or services available to them under this 1973 amendatory act;

Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in such other states permits the districts in such states to enter into such agreements.

The commission shall have authority to propose, guide, and facilitate the establishment and carrying out of any such agreement;

(13) Every district shall, through public hearings, annual meetings, publications, or other means, keep the general public, agencies and occupiers of land within the district, informed of the works and activities planned and administered by the district, of the purposes these will serve, of the income and expenditures of the district, of the funds borrowed by the district and the purposes for which such funds are expended, and of the results achieved annually by the district; and

(14) The supervisors of conservation districts may designate an area, state, and national association of conservation districts as a coordinating agency in the execution of the duties imposed by this chapter, and to make gifts in the form of dues, quotas, or otherwise to such associations for costs of services rendered, and may support and attend such meetings as may be required to promote and perfect the organization and to effect its purposes.

NEW SECTION. Sec. 24. There is added to chapter 89.08 RCW a new section to read as follows:

Any agency of the government of this state and any local political subdivision of this state is hereby authorized to make such arrangements with any district, through contract, regulation or other appropriate means, wherever it believes that such arrangements will promote administrative efficiency or economy.

In connection with any such arrangements, any state or local agency or political subdivision of this state is authorized, within the limits of funds available to it, to contribute funds, equipment, property or services to any district; and to collaborate with a district in jointly planning, constructing, financing or operating any work or activity provided for in such arrangements and in the joint acquisition, maintenance and operation of equipment or facilities in connection therewith.

State agencies, the districts, and other local agencies are authorized to make available to each other maps, reports and data in their possession that are useful in the preparation of their respective programs and plans for resource conservation. The districts shall keep the state and local agencies fully informed concerning the status and progress of the preparation of their resource conservation programs and plans.

The state conservation commission and the counties of the state may provide respective conservation districts such administrative funds as will be necessary to carry out the purpose of this 1973 amendatory act.

Sec. 25. Section 25, chapter 304, Laws of 1955 and RCW 89.08.350 are each amended to read as follows:

At any time after five years from the organization of a district, ((fifteen owners and tenants of land)) one hundred land

occupiers in the district may file with the ((committee)) commission a petition, praying that the district be dissolved. The ((committee)) commission may hold public hearings thereon, and within sixty days from receipt of the petition, shall give due notice of an election on the question of dissolution. It shall provide appropriate ballots, conduct the election, canvass the returns, and declare the results in the same manner as for elections to create a district.

All ((owners and tenants of land in the district)) district electors may vote at the election. No informality relating to the election shall invalidate it if notice is substantially given and the election is fairly conducted.

Sec. 26. Section 26, chapter 304, Laws of 1955 and RCW 89.08.360 are each amended to read as follows:

If a majority of the votes cast at the election are for dissolution, the district shall be dissolved. If two-thirds of the votes are against dissolution, the ((committee)) commission shall determine whether the continuance of the district is practicable. In making the determination it shall consider all the factors considered by it in determining that the district was practicable originally. If it finds that further operation of the district is impracticable it shall order it dissolved and certify its determination to the supervisors.

Sec. 27. Section 27, chapter 304, Laws of 1955 and RCW 89.08.370 are each amended to read as follows:

If the district is ordered dissolved, the supervisors shall forthwith terminate the affairs of the district and dispose of all district property at public auction, and pay the proceeds therefrom to the state treasurer.

They shall then file a verified application with the secretary of state for the dissolution of the district, accompanied by a certificate of the ((committee)) commission reciting the determination that further operation of the district is impracticable. The application shall recite that the property of the district has been disposed of, that the proceeds therefrom have been paid to the treasurer, and contain a full accounting of the property and proceeds. Thereupon the secretary shall issue to the supervisors a certificate of dissolution and file a copy thereof in his records.

Sec. 28. Section 28, chapter 304, Laws of 1955 and RCW 89.08.380 are each amended to read as follows:

A dissolution of a district shall not affect any contracts or obligations of the district. Upon the issuance of the certificate of dissolution, the ((committee)) commission shall be substituted for the supervisors and it shall assume all the duties, liabilities, and powers of the supervisors.

When a petition for the dissolution of a district is rejected,

no new petition may be filed for a period of five years.

NEW SECTION. Sec. 29. Section 14, chapter 187, Laws of 1939, section 14, chapter 240, Laws of 1961 and RCW 89.08.340 are each repealed.

NEW SECTION. Sec. 30. Insofar as any of the provisions of this chapter are inconsistent with the provisions of any other law, the provisions of this chapter shall be controlling: PROVIDED, HOWEVER, That none of the provisions of this chapter shall be construed so as to impair water rights appurtenant to lands within or without the boundaries of any district or districts organized hereunder.

NEW SECTION. Sec. 31. If any provision of this chapter, or the application of any provision to any person or circumstances, is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Passed the House March 20, 1973.

Passed the Senate April 8, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 185
[Substitute House Bill No. 306]
ENVIRONMENTAL COORDINATION PROCEDURES
ACT OF 1973

AN ACT Relating to coordination of procedures in relation to projects which contemplate use of the state's natural resources; adding a new chapter to Title 90 RCW; and making an effective date.

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

NEW SECTION. Section 1. (1) It is the sense of the legislature that the heavy burdens placed upon persons proposing to undertake certain types of projects in this state through requirements to obtain numerous permits and related documents from various state and local agencies are undesirable and should be alleviated. The legislature further finds that present methods for obtaining public views in relation to applications to state and local agencies pertaining to these projects are cumbersome and place undue hardships on members of the public thereby thwarting the public's ability to present such views.

(2) The purposes of this chapter are to:

(a) Provide for an optional procedure to assist those who, in the course of satisfying the requirements of state government prior

to undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain a number of permits, from the department of ecology and one or more state or local agencies by establishing a mechanism in state government which will coordinate administrative decision-making procedures, and related quasi judicial and judicial review, pertaining to such documents.

(b) Provide to members of the public a better and easier opportunity to present their views comprehensively on proposed uses of natural resource and related environmental matters prior to the making of decisions on such uses by state or local agencies.

(c) Provide to members of the public who desire to carry out the aforementioned projects within the state of Washington a greater degree of certainty in terms of permit requirements of state and local government.

(d) Provide better coordination and understanding between state and local agencies in the administration of the various programs relating to air, water, and land resources.

(e) Establish the opportunity for members of the public to obtain information pertaining to requirements of federal and state law which must be satisfied prior to undertaking a project in the state.

NEW SECTION. Sec. 2. For purposes of this chapter the following words mean, unless the context clearly dictates otherwise:

(1) "Board" means the pollution control hearings board.

(2) "Department" means the department of ecology.

(3) "Local government" means a county, city or town.

(4) "Permit" means any license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to any regulatory or management program related to the protection, conservation, or use of, or interference with, the natural resources of land, air or water in the state, which is required to be obtained from a state agency prior to constructing or operating a project in the state of Washington. Permit shall also mean a substantial development permit under RCW 90.58.140. Nothing in this chapter shall relate to a permit issued by the department of labor and industries or by the utilities and transportation commission; nor to the granting of proprietary interests in publicly owned property such as sales, leases, easements, use permits and licenses.

(5) "Person" means any individual, municipal, public, or private corporation, or other entity however denominated, including a state agency and county.

(6) "Processing" and "processing of applications" mean the entire process to be followed in relation to the making of decisions on an application for a permit and review thereof as provided in

sections 4 through 8 of this 1973 act.

(7) "Project" means any new activity or any expansion of or addition to an existing activity, fixed in location, for which permits are required from the department of ecology and one or more other state agencies prior to construction or operation, including, but not limited to industrial and commercial operations and developments.

(8) "State agency" means any state department, commission, board or other agency of the state however titled. For the limited purposes of this chapter only "state agency" shall also mean (a) any local or regional air pollution control authority established under chapter 70.94 RCW and (b) any local government when said government is acting in its capacity as a decision maker on an application for a permit pursuant to RCW 90.58.140.

NEW SECTION. Sec. 3. Nothing in this chapter shall apply to a plant or project which is required to be the subject of a certification by the governor pursuant to chapter 80.50 RCW.

NEW SECTION. Sec. 4. (1) Any person proposing a project may submit a master application to the department requesting the issuance of all permits necessary prior to the construction and operation of the project in the state of Washington. The master application shall be on a form furnished by the department and shall contain precise information as to the location of the project, and shall describe the nature of the project including any discharges of wastes proposed therefrom and any uses of, or interferences with, natural resources contemplated. No master application shall be accepted for processing by the department of ecology pursuant to this chapter unless it is accompanied by the certification of local government provided for in section 10 of this 1973 act.

(2) Upon receipt of a properly completed master application, the department shall immediately notify in writing each state agency having a possible interest in the master application arising from requirements pertaining to a permit program under its jurisdiction. The notification from the department shall be accompanied by a copy of the master application together with the date by which the agency shall respond to the notice. Each notified agency shall respond in writing to the department within the specified date, not exceeding fifteen days from receipt, as determined by the department, advising (a) (i) whether the agency does or does not have an interest in the master application, and (a) (ii) if the response to (a) (i) of this subsection is affirmative, the permit program or programs under the agency's jurisdiction to which the project described in the master application is pertinent, and whether, in relation to the master application, a public hearing as provided in sections 5 and 6 of this 1973 act would or would not be of value taking into consideration the

overall public interest. Each notified agency which (b) (i) responds within the specified date that it does not have an interest in the master application or (b) (ii) does not respond as required above within the specified date, shall not subsequently require a permit of the applicant for the project described in the master application; provided the bar to requiring a permit subsequently shall not be applicable if the master application provided the notified agency contained false, misleading, or deceptive information, or other information, or lack thereof, which would reasonably lead an agency to misjudge its interest in a master application.

(3) The department shall submit application forms relating to permit programs identified in affirmative responses under subsection (2) of this section to the applicant with a direction to complete and return them to the department within a reasonable time as specified by the department.

(4) When such applications, properly completed, have been returned to the department, each of the applications shall be transmitted to the appropriate state agency for the performance of its responsibilities of decision making in accordance with the procedures of this chapter.

(5) For the purpose of establishing priority dates upon water right permits and certificates issued pursuant to rulings on applications under chapters 90.03 and 90.44 RCW and processed under this chapter, the priority date shall be the date of submitting the master application to the department or the county office as provided in section 12(2) of this 1973 act.

NEW SECTION. Sec. 5. (1) The department, within a reasonable time after transmittal under section 4(4) of this 1973 act, shall cause a notice to be published at the applicant's expense once each week on the same day of the week for three consecutive weeks in a newspaper of general circulation within each county in which the project is proposed to be constructed or operated. The notice shall describe the nature of the master application including, with reasonable specificity, the project proposed, its location, the various permits applied for, and the state agency having jurisdiction over each such permit. Except as provided in section 5(2) of this 1973 act, the notice shall also state the time and place of the public hearing (to be held not less than twenty days after the date of last publication of the notice). It shall further state that a copy of the master application and a copy of all permit applications for the project are available for public inspection in the office for environmental permit applications of each county in which the project is proposed to be constructed or operated, as well as at the Olympia office and appropriate regional office of the department, together with such other locations as the department may designate.

(2) If the responses received by the department from state agencies under section 4(2) of this 1973 act unanimously state the position that a public hearing in relation to a master application would not be of value taking into consideration the overall public interest, and the department, after a careful evaluation, taking into consideration all interests involved, including the opportunities for members of the public to present views, concludes likewise, the provisions of subsection (1) of this section pertaining to the time and place of a public hearing shall not be included in the notice. In place thereof the notice shall state that members of the public may present relevant views and supporting materials in writing to the department in relation to any of the permits applied for within thirty days after the last date of publication of the notice in a newspaper.

NEW SECTION. Sec. 6. (1) Except as provided in section 5(2) of this 1973 act, prior to any final decision on any permit applications relating to a project subject to the procedures of this chapter, a public hearing shall be held in the county in which all or a major part of the proposed project is to be constructed or operated, such hearing to be held pursuant to notice made under section 5(1) of this 1973 act. At any such hearing the applicant may submit any relevant information and material in support of his applications, and members of the public may present relevant views and supporting materials in relation to any or all of the applications being considered.

(2) Each state agency having an application for a permit before it as described in the notice in section 5(1) of this 1973 act shall be represented at the public hearing by its chief administrative officer or his designee. The director of the department, or a hearing officer duly appointed by him, shall chair the hearing; however, the representative of any state agency (other than the department) within whose jurisdiction a specific application lies shall conduct the portion of the hearing pertaining to submission of information, views, and supporting materials which are relevant to that application. The chairman may, when appropriate, continue a hearing from time to time and place to place. The hearing shall be recorded in any manner suitable for transcription as determined by the department.

(3) No provisions of chapter 34.04 RCW shall apply to the hearing provided for by this section. Said hearing shall be conducted for the purpose of obtaining information for the assistance of state agencies but shall not be considered a trial or adversary proceeding.

(4) Upon completion of the public hearing the chairman, after consultation with the state agency representatives, shall establish

the date by which all state agencies shall forward their final decisions on applications before them to the department: PROVIDED, That this date may be extended by the chairman for reasonable cause. Every final decision shall set forth the basis for the conclusion reached together with a final order denying the application for a permit or granting it, subject to such conditions of approval as the deciding agency may have power to impose.

(5) In situations where a notice is provided pursuant to section 5(2) of this 1973 act and no public hearing is conducted, the department shall, after thirty days after the last notice publication in the newspaper, submit a copy of all views and supporting material received by it to each agency having an application for a permit before it as described in the notice. Concurrently therewith, the department shall notify each state agency, in writing, of the date by which final decisions on applications shall be forwarded to the department: PROVIDED, That this date may be extended by the department for reasonable cause. Each such final decision shall consist of the same contents as provided for final decisions in section 6(4) of this 1973 act.

(6) As soon as all final decisions are received by the department from the various participating state agencies, as provided in section 6 (4) and (5) of this 1973 act, the department shall incorporate them, without modification, into one document and transmit the same to the applicant either personally or by registered mail.

(7) Each state agency having jurisdiction to approve or deny an application for a permit shall have continuing power as vested in it prior to enactment of this 1973 act to make such determinations. Nothing in sections 3 through 6 of this 1973 act shall lessen or reduce such powers, and such sections shall modify only the procedures to be followed in the carrying out of such powers.

(8) A state agency may in the performance of its responsibilities of decision making under this chapter, request or receive additional information from an applicant and others prior or subsequent to a public hearing as necessary to the performance thereof.

NEW SECTION. Sec. 7. A state agency responding affirmatively as provided in section 4(2) of this 1973 act may withdraw from further participation in the processing provided in sections 4, 5, and 6 of this 1973 act at any time, by written notification to the director, if it subsequently appears to such state agency that it has no permit programs under its jurisdiction applicable to the project.

NEW SECTION. Sec. 8. (1) Any person aggrieved by any final decision contained in the document issued by the department pursuant to section 6(6) of this 1973 act may obtain review thereof by filing

a request, with the board, within thirty days of the transmittal under section 6(6) by the department of ecology of the document, for all final decisions other than a final decision relating to the granting or denial of a substantial development permit pursuant to RCW 90.58.140 in which case the filing of such request shall be with the shorelines hearings board. The board shall review all final decisions other than a final decision on a substantial development permit which shall be reviewed by the shorelines hearings board. In the event a request for review includes a final decision involving a substantial development permit and other permits, there shall be single staged hearing of the permits by the boards. The board shall be authorized to adopt rules and regulations implementing such staged hearings and the filing of requests so as to eliminate all unnecessary duplication. The scope of review by the boards and the standards of reviews used by the boards for determining the validity of any final decision shall be those contained in RCW 34.04.130.

(2) Judicial review of decisions of the actions of boards shall be controlled by RCW 43.21B.180 through 43.21B.200 except as they relate to decisions pertaining to substantial development permits under RCW 90.58.140 which shall be controlled by RCW 90.58.180.

NEW SECTION. Sec. 9. Notwithstanding any other statutes relating to the processing of application for permits, the procedures, including timing requirements and approval requirements related thereto, set forth in this chapter shall be exclusive in relation to applications for permits filed pursuant to section 4 of this 1973 act. The procedures of this chapter shall be in lieu of any procedures otherwise provided by statute, existing or hereafter enacted, to be followed by a state agency in ruling upon an application for a permit for a project under this chapter.

(2) The procedures of this chapter are applicable only to projects as defined in section 2(7) of this 1973 act and only through the completion of final decisions under section 6 of this 1973 act and of review proceedings of section 8 of this 1973 act and any ancillary proceedings. This chapter shall have no applicability to any applications for permit renewals, amendments, extensions, or other similar documents, or for replacing permits which are required subsequent to the completion of the decisions and proceedings under sections 6 and 8 of this 1973 act and any ancillary proceedings. For purposes of this section "ancillary proceedings" shall mean all proceedings, quasi judicial and judicial, held pursuant to any order of remand or similar order by the board or a court in relation to a final decision of a state agency made hereunder and held in response to the order of remand or similar order.

(3) Fee schedules previously and expressly established or

authorized by statute in relation to any application for a permit shall continue to be applicable even though processed under this chapter. The department shall collect such fees and forward them to the appropriate state agency.

NEW SECTION. Sec. 10. (1) No master application pertaining to a project filed under section 4 of this 1973 act shall be processed under this chapter unless it is accompanied by a certification from the pertinent local government that the project is in compliance with all zoning ordinances, and associated comprehensive plans, administered by said local government relating to the location of the project: PROVIDED, That if the local government has no such ordinances or plans the certification from local government shall so state and issue. For purposes of this section master programs of chapter 90.58 RCW are not zoning ordinances administered by local government. Local governments are authorized to accept applications for certifications as provided in this section and are directed to rule upon the same expeditiously to insure the purposes of this chapter are accomplished fully. Upon certification, the local government may not change such zoning ordinances so as to affect the proposed project until the procedures of this chapter, including any board or court reviews, are completed. The provisions of the state environmental policy act relating to the preparation of detailed impact statements shall not be applicable to the action approving or denying certifications authorized in this section.

(2) Nothing in this chapter shall modify in any manner whatsoever the applicability or inapplicability of any land use regulation statutes or local zoning ordinances to lands of any state agency.

(3) Approval of an application for certification as provided in this section shall not eliminate any requirements of the Shoreline Management Act of 1971 or any other statutes administered by a local government. A ruling by local government denying an application for certification shall not be appealable under this act: PROVIDED, That the denial of an application for certification pursuant to subsection (1) of this section shall not preclude the applicant from filing a permit application under any other available statute or procedure.

NEW SECTION. Sec. 11. (1) The department shall adopt such rules as are appropriate to carry out the provisions of this chapter. This authority includes, but is not limited to, the following subjects and sections or subsections of this chapter:

(a) Master application procedures under section 4(1) and (2) of this 1973 act.

(b) Application procedures under section 4(3) of this 1973 act.

(c) Notice procedures under section 5 of this 1973 act.

(d) Public hearing and final decision procedures under section 6(1), (2), and (3) of this 1973 act.

(e) A program, and procedures, including time requirements relating thereto, to guide local governments in the implementation of section 10(1) of this 1973 act.

(f) A listing of the various types of permits covered by this chapter together with the state agency issuing each such permit, and the statutory authority providing for such issuance.

(2) State agencies and local governments shall cooperate fully in the preparation implementation of rules authorized under this section and in otherwise carrying out the provisions of this chapter.

(3) Consistent with the procedural concepts for the processing of applications for permits established in sections 4 through 6 of this 1973 act, the department of ecology may, by rule, establish a permit application processing procedure which may be used, at the request of an applicant, in relation to two or more permit programs administered solely by the department of ecology.

NEW SECTION. Sec. 12. (1) The department shall establish permit requirements information centers in its office at Olympia and in all of its regional offices which shall provide information to the public, in readily understandable form, pertaining to the requirements of federal, state, and local governments for permits which must be acquired before initiating various types of activities and projects proposed in the state with special emphasis being given to those permits which apply to the use of land, air, and water resources.

(2) There shall be designated by each county, in a place convenient to members of the general public an office or offices for environmental permit applications. It shall be the responsibility of said office to provide a master application as provided in this chapter to any person requesting the same. It shall further be the responsibility of the office to provide reasonable assistance in preparation of an application to any person requesting the same and to accept for transmission to the department completed master applications. All completed master applications received by the county office shall be submitted to the department for processing as provided in sections 4 through 6 of this 1973 act. Filing of a master application with the county office shall constitute a submission to the department of ecology within the meaning of section 4(1) of this 1973 act. The department shall provide full information, forms, instructions, and other assistance relating to master applications and the other features of the program of this chapter to each county office to insure the provisions of this section are made fully effective in serving those desiring to file

master applications under this chapter.

NEW SECTION. Sec. 13. The department, after consultation with other state agencies and local governments, shall submit to the legislature by January 1, 1975, a report setting forth the results of the experience under this chapter together with any recommendations and views pertaining to ways and means of improving the procedures and otherwise satisfying the purposes of this chapter.

NEW SECTION. Sec. 14. (1) If any part of this chapter shall be found in conflict with federal requirements which are a condition precedent to the allocation of federal funds authorized to the state, such conflicting part of this chapter is declared to be inoperative to the limited extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned.

(2) The department of ecology, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in this chapter.

NEW SECTION. Sec. 15. The rule of strict construction shall have no application to this 1973 act and it shall be liberally construed in order to carry out its purposes.

NEW SECTION. Sec. 16. This 1973 act shall be known as the Environmental Coordination Procedures Act of 1973.

NEW SECTION. Sec. 17. There is added to Title 90 RCW a new chapter to read as set forth in sections 1 through 15 of this 1973 act.

NEW SECTION. Sec. 18. This 1973 act shall take effect on January 1, 1974, except that the department, state agencies, and local governments are authorized to take such steps as are necessary prior to that date to insure that this 1973 act is properly implemented on its effective date.

NEW SECTION. Sec. 19. If any provision of this 1973 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. 20. The department of ecology shall determine the amount of moneys necessary to implement the responsibilities vested in it under the provisions of this chapter, including amounts to assist local governments under section 12(2) of this 1973 act, and report said determination to the president of the senate and the speaker of the house of representatives not later than

June 30, 1973.

Passed the House April 12, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 186

[House Bill No. 766]

LEGEND DRUGS--

REGULATION

AN ACT Relating to legend drugs; creating a new chapter in Title 69 RCW; repealing section 22, chapter 38, Laws of 1963, section 3, chapter 71, Laws of 1967 and RCW 69.40.064; repealing section 2, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.065; and prescribing penalties.

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

NEW SECTION. Section 1. As used in this chapter:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Dispense" means to deliver a legend drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(4) "Dispenser" means a practitioner who dispenses.

(5) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(6) "Distributor" means a person who distributes.

(7) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food) intended to affect the

structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(8) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(9) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(10) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or a pharmacist under chapter 18.64 RCW.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a legend drug in the course of professional practice or research in this state.

NEW SECTION. Sec. 2. Legend drugs shall not be sold, delivered, dispensed or administered except in accordance with this chapter.

(1) No person shall obtain or attempt to obtain a legend drug, or procure or attempt to procure the administration of a legend drug:

(a) By fraud, deceit, misrepresentation, or subterfuge; or

(b) By the forgery or alteration of a prescription or of any written order; or

(c) By the concealment of a material fact; or

(d) By the use of a false name or the giving of a false address.

(2) Information communicated to a practitioner in an effort unlawfully to procure a legend drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a legend drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, or any practitioner.

(5) No person shall make or utter any false or forged prescription or other written order for legend drugs.

(6) No person shall affix any false or forged label to a package or receptacle containing legend drugs.

NEW SECTION. Sec. 3. It shall be unlawful for any person to sell, deliver or possess any legend drug except upon the order or prescription of a physician under chapter 18.71 RCW, an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, or a veterinarian under chapter 18.92 RCW: PROVIDED, HOWEVER, That the above provisions shall not apply to sale, delivery, or possession by drug wholesalers or drug manufacturers, or their agents or employees, or to any practitioner acting within the scope of his license, or to a common or contract carrier or warehouseman, or any employee thereof, whose possession of any legend drug is in the usual course of business or employment.

NEW SECTION. Sec. 4. A prescription, in order to be effective in legalizing the possession of legend drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such legend drugs. An order purporting to be a prescription issued to a drug abuser or habitual user of legend drugs, not in the course of professional treatment, is not a prescription within the meaning and intent of this section; and the person who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this chapter. A legitimate medical purpose shall include use in the course of a bona fide research program in conjunction with a hospital or university.

NEW SECTION. Sec. 5. To every box, bottle, jar, tube or other container of a legend drug, which is dispensed by a practitioner authorized to prescribe legend drugs, there shall be affixed a label bearing the name of the prescriber, complete directions for use, the name of the drug and strength per unit dose, name of patient and date: PROVIDED, That the practitioner may omit the name and dosage of the drug if he determines that his patient should not have this information and that, if the drug dispensed is a trial sample in its original package and which is labeled in accordance with federal law or regulation, there need be set forth additionally only the name of the issuing practitioner and the name of the patient.

NEW SECTION. Sec. 6. If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any legend drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and

described in such complaint and warrant, and to seize all legend drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such legend drugs and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such legend drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

NEW SECTION. Sec. 7. Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

(1) For a violation of section 2 of this act, the offender shall be guilty of a felony.

(2) For a violation of section 3 of this act involving the sale, delivery or possession with intent to sell or deliver, the offender shall be guilty of a felony.

(3) For a violation of section 3 of this act involving possession, the offender shall be guilty of a misdemeanor.

(4) For a violation of section 4 of this act, the offender shall be guilty of a felony.

(5) For a violation of section 5 of this act, the offender shall be guilty of a misdemeanor.

(6) Any offense which is a violation of chapter 69.50 RCW shall not be charged under this chapter.

NEW SECTION. Sec. 8. This act shall constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 22, chapter 38, Laws of 1963, section 3, chapter 71, Laws of 1967 and RCW 69.40.064; and

(2) Section 2, chapter 33, Laws of 1970 ex. sess. and RCW 69.40.065.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 187
[Substitute House Bill No. 52]
LEASEHOLDS--TAXATION--IN LIEU
EXCISE TAX

AN ACT Relating to revenue and taxation; exempting certain leasehold estates from property taxation; imposing a leasehold in lieu excise tax; amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 125, Laws of 1972 1st ex. sess. and RCW 84.40.030; adding new sections to Title 82 RCW; adding new sections to chapter 84.36 RCW; and creating a new section.

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

Section 1. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 125, Laws of 1972 1st ex. sess. and RCW 84.40.030 are each amended to read as follows:

All property shall be assessed fifty percent of its true and fair value in money.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or stone or other quarry) shall be based upon the following criteria:

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years ((~~less a percentage equal to the average, ordinary and usual direct costs of sale of that type of property; including but not limited to costs of title insurance, legal services, recording fees and taxes levied against such sales that are borne by the seller, and an amount equal to the customary fees payable to a licensed real estate broker for handling such a sale; such percentage to be determined by studies~~

conducted by the department of revenue)). The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (i) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (ii) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years.

NEW SECTION. Sec. 2. The legislature hereby recognizes that properties of the state of Washington, counties, school districts, and other municipal corporations are exempted by Article 7, section 1 of the state Constitution from property tax obligations, but that such public properties when under lease to private lessees receive substantial benefits from governmental services provided by the units of local government.

The legislature further recognizes that leases of such property entered into prior to July 1, 1970, are often at a full and fair market rental predicated upon a tax obligation which was considerably less than established by the state supreme court in May of 1970 when the lessee is a nonexempt person or entity.

The legislature therefore recognizes that equity requires that

provision be made to alleviate the impact of added tax obligations upon the lessee of public properties and does hereby provide certain property tax exemptions for leasehold estates contracted prior to July 1, 1970, where the lessee is paying a contract rent equal to or at least ninety percent of economic rent as defined in section 3 of this 1973 amendatory act and the legislature does hereby provide for a leasehold in lieu tax to fairly compensate local governmental units for services rendered to such properties and does hereby provide authorization for payment thereof. The legislature finds that public properties subject to leasehold estate taxation or to in lieu taxation are entitled to those same governmental services provided comparable property in private ownership.

NEW SECTION. Sec. 3. As used in this 1973 amendatory act, the following terms shall be defined as follows, unless the context otherwise requires:

(1) "Economic rent" means the rental warranted to be paid in the open real estate market based on rentals being paid for comparable leases. In the determination of "economic rent" the private rate of return and normal costs to be private sector shall be considered.

(2) "Contract rent" means the amount of consideration conveyed according to the leasehold instrument: PROVIDED, That any prepaid rent shall be considered to have been paid in the year due and not the year when paid.

(3) "Renegotiation" or "renegotiated" means the process occasioned by any situation or circumstance which results in a change in the consideration to be paid by the lessee to the lessor for any extension or renewal of a lease.

NEW SECTION. Sec. 4. There is hereby levied and shall be collected an in lieu excise tax in 1974 and in each year thereafter from each lessor of a leasehold estate which is exempted from ad valorem property taxation pursuant to section 11 (1) of this 1973 amendatory act. The tax shall be levied and collected in an amount equal to the value of the annual leasehold rent collected the previous year multiplied by the rate of fourteen percent: PROVIDED, That the tax hereby levied shall not apply to leases of lands owned in fee or held in trust by the government of the United States: PROVIDED FURTHER, That the tax hereby levied shall not apply to (1) the lessor of a leasehold estate where the lessee is a body which were it to own the property in fee, said property would be exempt, (2) lessors on those leasehold estates exempted from property taxation pursuant to subsection (2) through subsection (9) of section 11 of this act, and (3) all leasehold estates of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in the United States; and (5) all leasehold

estates held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States.

NEW SECTION. Sec. 5. Each state department, agency, and political subdivision shall on or before the fifteenth day of January of each year supply an accounting of outstanding leasehold estates upon its property to the county assessor of the county in which such property is located. Such accounting shall include information describing the location, legal description, and address, if any, of the property, the name of the lessee, the amount of the leasehold rent, the date when the lease was entered, the expiration date of the lease, restrictions, if any, which detract from the value of the leasehold interest, renegotiation dates, if any, options to renew, and information about reversion of improvements.

NEW SECTION. Sec. 6. The county assessor shall determine and identify those properties which are subject to the leasehold in lieu tax imposed by section 4 of this 1973 amendatory act and shall furnish and deliver to the county treasurer by the fifteenth day of February a listing of such properties with information describing the location, legal description, and address, if any, of the property, the name of the lessee, the amount of the leasehold rent, the amount of the true and fair economic rent, the expiration date of the lease, renegotiations dates, if any, and options to renew. In addition, the assessor shall provide information indicating that the situs of such property is within the unincorporated area of the county or within a particular city or town and/or within a particular school district.

NEW SECTION. Sec. 7. On or before the last day of February of each calendar year, each county treasurer shall cause to be mailed to the director of the department of revenue and to the lessors of leasehold estates subject to the in lieu tax in that county, notice of the amount of tax payable for that year which shall be due and payable to the director of the department of revenue on or before the thirtieth day of April.

NEW SECTION. Sec. 8. (1) Leasehold in lieu tax revenues received by the director of the department of revenue pursuant to section 7 of this 1973 amendatory act shall be transmitted to the state treasurer, together with such information required to make the proper disbursements to counties pursuant to subsection (2) of this section, and placed in the leasehold in lieu tax fund which is hereby created.

(2) Moneys in the leasehold in lieu tax fund shall be disbursed by the state treasurer to the counties on or before the first of June of each year. Each county shall receive an amount equal to the total moneys appropriated to the leasehold in lieu tax fund for that year multiplied by a fraction, the numerator of which

is the total amount of in lieu excise tax collected within that county pursuant to section 4 of this 1973 amendatory act during that year, and the denominator of which is the total amount of leasehold in lieu tax collected throughout the state pursuant to section 4 of this 1973 amendatory act during that year.

(3) From the amount received by each county pursuant to subsection (2) of this section there shall be paid sums as follows:

(a) Sixty percent to the school districts within the county ratably, on the basis of the amount of in lieu excise tax collected pursuant to section 4 of this 1973 amendatory act from leased property situated in each school district: PROVIDED, That only one-half of such amount shall be considered as local revenues where local revenues are a factor in any formula for the determination of state aid to schools under chapter 28A.41 RCW.

(b) Twenty-five percent to each city and town within the county ratably, on the basis of the amount of in lieu excise tax collected pursuant to section 4 of this 1973 amendatory act from leased property situated in each city or town.

(c) Forty percent to the county current expense fund less any amount paid to a city or town pursuant to subsection (3) (b) of this section which shall be considered a credit against the amount due the county pursuant to this subsection: PROVIDED, That the county legislative authority may allocate and deposit funds received pursuant to this subsection to the credit of the taxing districts in the county in the manner it deems most equitable.

NEW SECTION. Sec. 9. All leasehold estates in operating properties vested in any company assessed and taxed as a public utility pursuant to chapter 84.12 RCW shall be valued by the department of revenue according to the valuation procedures set forth by the provisions of chapter 84.12 RCW.

NEW SECTION. Sec. 10. The department of revenue shall adopt and amend reasonable rules and regulations necessary for the administration, collection, and enforcement of the leasehold in lieu tax imposed by section 4 of this 1973 amendatory act and such reasonable rules and regulations necessary to assure the uniform valuation of leasehold estates and the subsequent tax levy thereon according to the provisions of chapter 34.04 RCW (the administrative procedure act). To ensure such uniformity, the department of revenue shall prescribe the forms and methods for the determination of the assessed value of the leasehold assets which shall be the sole process of such determination: PROVIDED, That lessors subject to the tax imposed pursuant to section 4 of this act shall be entitled to those remedies provided in Title 84.

NEW SECTION. Sec. 11. There is added to chapter 84.36 RCW a new section to read as follows:

The following property shall be exempt from taxation:

(1) All leasehold estates in property owned in fee or held in trust by the government of the United States, or of the state of Washington or any political subdivision thereof, negotiated prior to July 1, 1970, which have not been renegotiated, extended, or renewed since July 1, 1970, and which have a contract rent equal to at least ninety percent of economic rent: PROVIDED, That this exemption shall not apply to leasehold estates in operating properties vested in any company which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold estates which have a total economic rent of less than one hundred dollars per year.

(3) All leasehold estates in facilities owned or used by a school, college, or university which leaseholds provide housing for students and which are otherwise exempt from taxation under the provisions of RCW 84.36.010 and 84.36.050.

(4) All leasehold estates of subsidized housing where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof and where an income qualification exists for such housing.

(5) All leasehold estates used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof: PROVIDED, That this exemption shall not apply to the leasehold estate of any sublessee of such nonprofit fair association.

(6) All leasehold estates of state forest lands as defined in chapter 76.12 RCW.

(7) All leasehold estates in state property used as a residence by state employees who are required as a condition of employment to live at a state facility or station.

(8) All leasehold estates on any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

(9) All leasehold estates held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this 1973 amendatory act.

NEW SECTION. Sec. 12. Sections 2 through 10 and section 16 of this 1973 amendatory act are hereby added to Title 82 RCW.

NEW SECTION. Sec. 13. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1973 amendatory act, or the application of the provision to other persons or circumstances is not affected: PROVIDED, That if the leasehold in lieu excise tax imposed by section 4 of this 1973 amendatory act is held invalid, the entirety of the act, except for section 3 and section 15, shall be null and void.

NEW SECTION. Sec. 14. If the provisions of this 1973 amendatory act relative to leasehold in lieu excise taxes are held invalid, the following property shall be exempt from ad valorem taxation:

(1) All leasehold estates in property of the state of Washington or any political subdivision thereof, negotiated prior to July 1, 1970, which have not been renegotiated, extended or renewed since July 1, 1970, and which have a contract rent equal to at least ninety percent of economic rent, and where the lessor has been authorized to make in lieu payments to political subdivisions other than that of the lessor.

(2) All leasehold estates which have a total economic rent of less than one hundred dollars per year.

(3) All facilities owned or used by a school, college, or university which facilities provide housing for students and which are otherwise exempt from taxation under the provisions of RCW 84.36.010 and 84.36.050.

(4) All leasehold estates of subsidized housing where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof and where an income qualification exists for such housing.

(5) All leasehold estates of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested in the government of the United States or the state of Washington or any political subdivision thereof: PROVIDED, That this exemption shall not apply to the leasehold estate of any sublessee of such nonprofit fair association.

(6) All leasehold estates of state forest lands as defined in chapter 76.12 RCW.

(7) All leasehold estates in state property used as a residence by state employees who are required as a condition of employment to live at a state facility or station.

(8) All leasehold estates on any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation

imposed by the United States.

(9) All leasehold estates held by enrolled Indians of lands owned as held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this 1973 amendatory act.

NEW SECTION. Sec. 15. Notwithstanding any other provision of this 1973 amendatory act, improvements owned or being acquired by contract purchase or otherwise by any sublessee shall be taxable to such sublessee.

Passed the House April 13, 1973.

Passed the Senate April 10, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 188
[House Bill No. 76]
DISABILITY INSURANCE

AN ACT Relating to insurance; adding new sections to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW, and adding a new section to chapter 48.21 RCW.

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

NEW SECTION. Section 1. There is added to chapter 48.18 RCW a new section to read as follows:

No insurer shall refuse to renew any policy of individual disability insurance issued after July 1, 1973 because of a change in the physical or mental condition or health of any person covered thereunder: PROVIDED, That after approval of the insurance commissioner, an insurer may discharge its obligation to renew the contract by obtaining for the insured coverage with another insurer which is comparable in terms of premiums and benefits.

NEW SECTION. Sec. 2. There is added to chapter 48.18 RCW a new section to read as follows:

No contract of insurance enumerated in section 1 of this 1973 act shall be terminated by cancellation by the insurer during the period of contract except for nonpayment of premium. This section shall not be deemed to affect the right of the insurer to rescind the policy as limited and defined in RCW 48.18.090.

NEW SECTION. Sec. 3. There is added to chapter 48.20 RCW a new section to read as follows:

Notwithstanding any provision of any disability insurance contract as provided for in this chapter, benefits shall not be

denied thereunder for any health care service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

NEW SECTION. Sec. 4. There is added to chapter 48.21 RCW a new section to read as follows:

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract as provided for in this chapter, benefits shall not be denied thereunder for any health service performed by a holder of a license issued pursuant to chapter 18.88 RCW if (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW: PROVIDED, HOWEVER, That no provision of chapter 18.71 RCW shall be asserted to deny benefits under this section.

The provisions of this section are intended to be remedial and procedural to the extent they do not impair the obligation of any existing contract.

NEW SECTION. Sec. 5. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 4, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 189

[Substitute House Bill No. 419]

TEACHERS' RETIREMENT SYSTEM

AN ACT Relating to the Washington state teachers' retirement system; amending section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 271, Laws of 1971 ex. sess. and RCW 41.32.260; amending section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 3, chapter 35, Laws of 1970

ex. sess. and RCW 41.32.497; amending section 35, chapter 80, Laws of 1947 as last amended by section 7, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.350; amending section 19, chapter 80, Laws of 1947 as amended by section 5, chapter 274, Laws of 1955 and RCW 41.32.190; amending section 12, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.405; adding new sections to chapter 41.32 RCW; and declaring an emergency.

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

Section 1. Section 26, chapter 80, Laws of 1947 as last amended by section 1, chapter 271, Laws of 1971 ex. sess. and RCW 41.32.260 are each amended to read as follows:

Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER, That a member of the retirement system who is a member of the state legislature (may request that retirement) or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or section 3 of this 1973 amendatory act, as now or hereafter amended shall have deductions ((be)) taken from his salary ((as a legislator)) in the amount of seven and one-half percent of compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: AND PROVIDED FURTHER, That a member of the retirement system who had previous service as ((a member of the state legislature)) an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees.

Sec. 2. Section 16, chapter 14, Laws of 1963 ex. sess. as last amended by section 3, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.497 are each amended to read as follows:

Any person who became a member ((who)) on or before the effective date of this 1973 amendatory act and who qualifies for a retirement allowance ((which is effective on or after July 1, 1970)) shall, at time of retirement, make an irrevocable election to receive

either the retirement allowance by section 3 of this 1973 amendatory act or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no ((member)) beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520(1), options 2 and 3 provided in RCW 41.32.530, or options 2 or 3 of section 3 of this 1973 amendatory act, shall receive a pension of less than ((five)) six dollars and fifty cents per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month: PROVIDED FURTHER, That notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed to the office of state senator, state representative or superintendent of public instruction shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service, whether or not elected or appointed service, for each year of such elected or appointed service. However, the initial retirement allowance of a member retiring only under the provisions of this proviso shall not exceed the average final compensation upon which the retirement allowance is based. In addition, the member shall be allowed to have the pension provided by this proviso adjusted and paid pursuant to the options provided in RCW 41.32.530, as now or hereafter amended.

NEW SECTION. Sec. 3. There is added to chapter 41.32 RCW a new section to read as follows:

Any person who becomes a member subsequent to the effective date of this 1973 amendatory act or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his average earnable compensation for his two highest compensated consecutive years of

service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in subsection (4) below;

(3) Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum. However, the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative. Accumulated contributions for elected or appointed service may only be withdrawn if the member elects to waive the pension provided by this subsection. In addition, the member shall be allowed to have the pension provided by this subsection adjusted and paid pursuant to the options provided in subsection (4) below.

(4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the

board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement.

NEW SECTION. Sec 4. There is added to chapter 41.32 RCW a new section to read as follows:

Subsection (3) of section 3 of this 1973 amendatory act and the equivalent language contained in the last proviso in section 1 of this 1973 amendatory act, relating to elected and appointed officials, shall be retroactive to January 1, 1973.

NEW SECTION. Sec. 5. There is added to chapter 41.32 RCW a new section to read as follows:

The board of trustees shall determine the amount of employer contribution rate necessary to properly fund the increased benefits granted elected and appointed officials by sections 2 and 3 of this 1973 amendatory act. Upon determining the amount of employer contribution necessary, the board shall inform, bill and collect from the employer of those elected or appointed officials the amount so determined in the same manner and to the same extent as the public employees' retirement system pursuant to RCW 41.40.370.

Sec. 6. Section 35, chapter 80, Laws of 1947 as last amended by section 7, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.350 are each amended to read as follows:

Each year during which he is employed each member shall contribute five percent of his earnable compensation. These contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement, not to exceed his accumulated contributions, to purchase additional annuity; PROVIDED, That effective July 1, 1974, the amount of contribution required from each member by this section shall be increased to six percent of his earnable compensation.

Sec. 7. Section 19, chapter 80, Laws of 1947 as amended by section 5, chapter 274, Laws of 1955 and RCW 41.32.190 are each amended to read as follows:

From interest and other earnings on the moneys of the retirement system, and except as otherwise provided in sections 8 and 9 of this 1973 amendatory act, at the close of each fiscal year the board of trustees shall make such allowance of regular interest on the balance which was on hand at the beginning of the fiscal year in

each of the funds as they may deem advisable; however, no interest shall be credited to the expense fund or the pension fund.

Sec. 8. Section 12, chapter 150, Laws of 1969 ex. sess. and RCW 41.32.405 are each amended to read as follows:

An income fund is hereby created for the purpose of crediting regular interest and such other income as may be derived from the deposits and investments of the various funds of the teachers' retirement fund. All accumulated contributions in the account of a terminated member which remain unclaimed after the expiration of ten years from the date of termination shall thereafter be transferred to the income fund as provided in RCW 41.32.510. Any moneys that may come into the possession of the retirement system in the form of gifts or bequests which are not allocated to a specific fund, or any other moneys the disposition of which is not otherwise provided herein, shall be credited to the income fund. The moneys accumulated in the income fund shall be available for transfer, upon board authorization, to the expense fund toward payment of the members' share of the operating costs of the system as provided in RCW 41.32.410, and for regular interest allowance to the various funds of the teachers' retirement fund as provided in RCW 41.32.190 and 41.32.460; PROVIDED, That from such accumulated moneys the board shall have sole discretion to determine an amount thereof to be credited to the annuity fund which will thereupon be credited as regular interest to the individual members' accounts; PROVIDED FURTHER, That from interest and other earnings on the moneys in the annuity fund the board may specifically allocate up to one percent per annum of such interest and other earnings for the purpose of making sufficient funds available to facilitate the adjustment in the retirement allowance provided in section 9 of this 1973 amendatory act.

NEW SECTION. Sec. 9. There is added to chapter 41.32 RCW a new section to read as follows:

(1) "Index" for the purposes of this section shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)--compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor" for the purposes of this section for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1972;

(3) The "initial date of payment" for the purposes of adjusting the annuity portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member.

(4) The "initial date of payment" for the purposes of adjusting the pension portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member or June 30, 1970, whichever is later.

(5) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (6) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(6) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

NEW SECTION. Sec. 10. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, moneys necessary to pay the combined pension and annuity service retirement allowance provided for in section 3(2) of this 1973 amendatory act shall be payable for the 1973-1975 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030.

NEW SECTION. Sec. 11. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of state government and its existing public institutions and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this 1973 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. 13. There is added to chapter 41.32 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 41.32.240, any person who has left employment within the state for any reason at least fifteen years prior to the effective date of this section with at least fifteen years of service credit at the time of such withdrawal

and who because of physical incapacibilities is no longer employable as a teacher within this state may be admitted into the system upon acceptance by the board and making such reasonable payments as the board shall determine necessary therefor. Said application to be submitted before January 1, 1974.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 190

[Substitute House Bill No. 435]

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AN ACT Relating to the public employees' retirement system; adding a new section to chapter 41.32 RCW; amending section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.010; amending section 3, chapter 274, Laws of 1947 as last amended by section 3, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.030; amending section 11, chapter 274, Laws of 1947 as last amended by section 2, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.100; amending section 13, chapter 274, Laws of 1947 as last amended by section 4, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947 as last amended by section 6, chapter 128, Laws of 1969 and RCW 41.40.150; amending section 19, chapter 274, Laws of 1947 as last amended by section 4, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.180; amending section 5, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.185; amending section 20, chapter 274, Laws of 1947 as last amended by section 6, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.190; amending section 7, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.193; amending section 1, chapter 68, Laws of 1970 ex. sess. as amended by section 6, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.195; amending section 34, chapter 274, Laws of 1947 as last amended by section 13, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.330; amending section 4, chapter 231, Laws of 1957 as last amended by section 14, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.361; amending section 18, chapter 274, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.170; adding a new section to chapter 41.40 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 41.32 RCW a new section to read as follows:

Any member of the teachers' retirement system who decides to retire after the effective date of this act shall be entitled as a matter of contractual right to receive any new or increased benefits resulting from the enactment of legislation creating a new retirement system through a merger of the public employees' retirement system and the teachers' retirement system or from benefit liberalizations of the teachers' retirement system until June 30, 1974.

Sec. 2. Section 1, chapter 274, Laws of 1947 as last amended by section 1, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.010 are each amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the ((state)) public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state ((and)), any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter. The term may also include any city of the first class that has its own retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve-month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered five or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer; PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist

another public agency, shall be considered as service as a state employee: PROVIDED, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system; PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) ((In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949; all service rendered after October 1, 1947; including all)) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any ((municipal corporation of the state of Washington)) employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service ((by an employer admitted to the retirement system,)) shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

~~((b) In the case of all other members, all service as a member, and any additional service to the employer if the employer has paid the employer contributions for such service;))~~

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, ((1972)) 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, ((1972)) 1974, of five percent of such member's salary during said period of probationary service.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine.

(14) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive two year period of service for which service credit is allowed; or if he has less than two years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience.

Sec. 3. Section 3, chapter 274, Laws of 1947 as last amended by section 3, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.030 are each amended to read as follows:

The retirement board shall consist of ~~((seven))~~ eleven

members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, the members provided by RCW 41.26.050, and three employee representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by members in their classification of employment for a term of three years: PROVIDED, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed, except those board members provided by RCW 41.26.050. The members of the system shall be divided into three classifications of employment for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; and classification C shall consist of all members not included in classification A or B. Each member shall have the right to vote only for an employee representative from his respective classification.

The first election will be held to elect a representative from classification C whose term shall begin July 1, 1961; the second election will be held to elect a representative from classification B whose term shall begin July 1, 1962; the third election will be held to elect a representative from classification A whose term shall begin July 1, 1963.

Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification. The election shall be conducted under the supervision of the retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all employee representatives shall commence on the first day of July following their election.

Sec. 4. Section 11, chapter 274, Laws of 1947 as last amended by section 2, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.100 are each amended to read as follows:

For the purpose of the internal accounting record of the

retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members ((for the purchase of annuities)). The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the employees' saving fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his retirement, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all retirement allowances and death benefits, if any, in respect of any beneficiary. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all retirement allowances, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the excess, if any, of his individual account at the date of his retirement over any service retirement allowance received since that date.

(3) An income fund is hereby created for the purpose of crediting ((regular)) interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced by a resolution of the retirement board recorded in its minutes. The retirement board shall quarterly allow ((regular)) interest to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and

shall be quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund.

All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150(3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

The board shall have sole discretion to determine the amount of interest to be credited to the employees' savings fund which will thereupon be credited as regular interest to the individual members' accounts. The board may specifically allocate not more than one percent per annum of the investment earnings for the purpose of making sufficient funds available to facilitate the adjustment in service retirement allowances provided by RCW 41.40.195 as now or hereafter amended.

Sec. 5. Section 13, chapter 274, Laws of 1947 as last amended by section 4, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service

credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service:

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.190 or 41.40.185:

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college (operated by an employer), primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or

community college ((operated by an employer)) during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions:

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That ((if a member is elected to an office in such city, the member)) any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010 (4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter.

Sec. 6. Section 16, chapter 274, Laws of 1947 as last amended by section 6, chapter 128, Laws of 1969 and RCW 41.40.150 are each amended to read as follows:

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

thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee who reenters ((or has reentered)) service ((within ten years from the date of his separation)) shall upon completion of ((six months)) two years of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: PROVIDED, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from the effective date of this 1973 amendatory act to restore said contributions: AND PROVIDED FURTHER, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from the effective date of this 1973 amendatory act to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered ((six)) two uninterrupted ((months)) years of service the type of retirement allowance he had at the time of his previous retirement shall be

reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120 (3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120 (3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in ((RCW 41.40.190 (5))) RCW 41.40.180 (1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

Sec. 7. Section 19, chapter 274, Laws of 1947 as last amended by section 4, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.180 are each amended to read as follows:

(1) On and after April 1, 1949, any member with five years of

creditable service who has attained age sixty and any original member who has attained age sixty may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: PROVIDED, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: PROVIDED, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties, the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state: PROVIDED FURTHER, That any member holding elective office, having a fixed term to which he has been elected(†), who has attained age seventy may(‡ at any time thereafter while still in office, apply for and receive a retirement allowance under REW 41.40.190 and REW 41.40.290, if otherwise eligible therefor, while continuing to serve as an elective official but such person shall no longer be a member of the retirement system after his retirement as provided for in this subsection) continue to serve as an elective official and to receive retirement credit for such service.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(5) Any individual who is eligible to retire pursuant to subsections (1) through (4) of this section shall be allowed to retire while on any authorized leave of absence not in excess of one hundred and twenty days.

(6) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

Sec. 8. Section 5, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.185 are each amended to read as follows:

Upon retirement from service, as provided for in RCW 41.40.180 or 41.40.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330(2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventeenth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) ~~((or))~~ and (3) of this section of more than sixty percent of his average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum; PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the

average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

(5) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Sec. 9. Section 20, chapter 274, Laws of 1947 as last amended by section 6, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.190 are each amended to read as follows:

In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before the effective date of this 1973 amendatory act may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington

state Constitution.

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance shall be paid to such person or persons having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

Sec. 10. Section 7, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.193 are each amended to read as follows:

Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220,

((41.40.230)) 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service.

Sec. 11. Section 1, chapter 68, Laws of 1970 ex. sess. as amended by section 6, chapter 271, Laws of 1971 ex. sess. and RCW 41.40.195 are each amended to read as follows:

(1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)--compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) ("Prior pension" shall mean the pension portion of any service retirement allowance as computed and payable at the time of retirement to any beneficiary based upon an effective retirement date which is prior to December 31, 1970) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) ((Effective July 1, 1974, every prior pension which is then being paid to any retired member or his designated beneficiary shall be adjusted to that dollar amount which bears the ratio to its original dollar amount which the retirement board finds to exist between the index for 1970 and the index for the calendar year prior to the effective retirement date of the person to whom, or on behalf of whom, such retirement allowance is being paid) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270(2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement

allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

Sec. 12. Section 34, chapter 274, Laws of 1947 as last amended by section 13, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.330 are each amended to read as follows:

(1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190 (5) and 41.40.185(4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable.

Sec. 13. Section 4, Chapter 231, Laws of 1957 as last amended by section 14, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.361 are each amended to read as follows:

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(a) all future pension benefits payable in respect of all

members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: PROVIDED, That as to state employers effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of seven percent for each employer unless authorized by the legislature.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of

all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer and employee would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: PROVIDED, That either the employee or employer may make the contributions the employee would have made during the same period of time; PROVIDED FURTHER, That all additional contributions hereunder and under the provisions of RCW 41.40.160(2) must be completed within fifteen years from the date of the employer's admission. Employee contributions for these periods must be made before the member will receive credit for those periods of service, pursuant to such regulations as the retirement board may adopt.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation.

Sec. 14. Section 18, chapter 274, Laws of 1947 as last amended by section 3, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.170 are each amended to read as follows:

(1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ

of an employer to enter such armed service: PROVIDED, That in no instance, described in subsections (1), (2), and (3) of this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be completed within five years of membership service following his first resumption of employment: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW ((47-06-450)) 41.04.005, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance, described in subsections (1), (2) and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 ((RSE 3944 or 3944, as now or hereafter amended)) United States Code.

NEW SECTION. Sec. 15. There is added to chapter 41.40 RCW a new section to read as follows:

The amendments contained in subsections 11(a) and (b) of section 2 of this 1973 amendatory act and subsection 5 of section 13 of this 1973 amendatory act shall take effect January 1, 1974.

NEW SECTION. Sec. 16. If any provision of this 1973 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. 17. This 1973 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 April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 191

[House Bill No. 442]

POLICEMEN AND FIREMEN--LINE OF
DUTY--DEATH, DISABILITY--CHILDREN--FREE
COLLEGE TUITION

AN ACT Relating to higher education; providing free tuition fees for children of law enforcement officers or fire fighters disabled or killed in line of duty; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.380;

amending section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 12, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.520; amending section 9, chapter 269, Laws of 1969 ex. sess. as amended by section 16, chapter 279, Laws of 1971 ex. sess. and RCW 28B.40.361; and declaring an emergency and making an effective date.

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

Section 1. Section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 279, Laws of 1971 ex. sess. 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, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: 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. (4) Children after the age of 19 years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Section 2. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 12, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.520 are each amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW 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, operating fees, services and activities fees, and any other fees for needy 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, and for children after the age of 19 years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 3. Section 9, chapter 269, Laws of 1969 ex. sess. as amended by section 16, chapter 279, Laws of 1971 ex. sess. and RCW

28B.40.361 are each amended to read as follows:

The boards of trustees may exempt from the payment of general tuition, operating fees, or services and activities 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 RCW 41.04.005 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, and all children after the age of 19 years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

NEW SECTION. Sec. 4. This 1973 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 July 1, 1973.

NEW SECTION. Sec. 5. For the purposes of this 1973 amendatory act the phrase "totally disabled" as used in sections 1, 2 and 3 shall mean a person who has become totally and permanently disabled for life by bodily injury or disease, and is thereby prevented from performing any occupation or gainful pursuit.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 192

[House Bill No. 648]

INDUSTRIAL COMPENSATION--CLAIM
ADJUSTMENT--TIME LIMITATION
EXTENDED

AN ACT Relating to industrial insurance; and amending section 51.32.160, chapter 23, Laws of 1961 and RCW 51.32.160.

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

Section 1. Section 51.32.160, chapter 23, Laws of 1961 and RCW 51.32.160 are each amended to read as follows:

If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director, through and by means of the division of industrial insurance, may,

upon the application of the beneficiary, made within ((five)) seven years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment; PROVIDED, That the time limitation of this section shall be ten years in claims involving loss of vision or function of the eyes.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment.

Passed the House March 28, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 193

[Substitute House Bill No. 862]

AIR POLLUTION CONTROL

AN ACT Relating to air pollution; amending section 1, chapter 238, Laws of 1967 as amended by section 1, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.011; amending section 29, chapter 238, Laws of 1967 as amended by section 20, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.152; amending section 33, chapter 238, Laws of 1967 as amended by section 23, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.205; amending section 49, chapter 238, Laws of 1967 as amended by section 35, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.334; adding new sections to chapter 70.94 RCW; creating a new section; repealing section 5, chapter 232, Laws of 1957 and RCW 70.94.050; repealing section 47, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.520; repealing section 48, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.530; repealing section 49, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.540; repealing section 50, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.550; and repealing section 51, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.560.

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

Section 1. Section 1, chapter 238, Laws of 1967 as amended by section 1, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.011 are each amended to read as follows:

It is declared to be the public policy of the state to secure and maintain such levels of air quality as will protect human health

and safety and comply with the requirements of the federal clean air act, and, to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of its inhabitants, promote the economic and social development of the state, and facilitate the enjoyment of the natural attractions of the state. The problems and effects of air pollution are frequently regional and interjurisdictional in nature, and are dependent upon the existence of urbanization and industrialization in areas having common topography and recurring weather conditions conducive to the buildup of air contaminants.

It is also declared as public policy that regional air pollution control programs are to be encouraged and supported to the extent practicable as essential instruments for the securing and maintenance of appropriate levels of air quality.

It is also declared to be the public policy of the state to provide for the people of the populous metropolitan regions in the state the means of obtaining air pollution control not adequately provided by existing agencies of local government. For reasons of the present and potential dramatic growth in population, urbanization, and industrialization, the special problem of air resource management, encompassing both corrective and preventive measures for the control of air pollution cannot be adequately met by the individual towns, cities, and counties of many metropolitan regions.

In addition, the state is divided into two major areas, each having unique characteristics as to natural climatic and topographic features which may result in the different potentials for the accumulation and buildup of air contaminant concentrations. These two major areas are the area lying west of the Cascade Mountain crest and the area lying east of the Cascade Mountain crest. Within each of these major areas are regions which, because of the climate and topography and present and potential urbanization and industrial development may, through definitive evaluation be classed as regional air pollution areas.

To these ends it is the purpose of this chapter to provide for a coordinated state-wide program of air pollution prevention and control, for an appropriate distribution of responsibilities between the state, regional, and local units of government, and for cooperation across jurisdictional lines in dealing with problems of air pollution.

Sec. 2. Section 29, chapter 238, Laws of 1967 as amended by section 20, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.152 are each amended to read as follows:

(1) The ((state board)) department of ecology or board of any authority may require notice of the construction, installation, or

establishment of any new air contaminant sources except single family and duplex dwellings ((specified by class or classes in its ordinances; resolutions; rules or regulations relating to air pollution)). The ((state board)) department of ecology or board may require such notice to be accompanied by a fee and determine the amount of such fee ((for such class or classes)): PROVIDED, That the amount of the fee may not exceed the cost of reviewing the plans, specifications, and other information and administering such notice: PROVIDED FURTHER, That any such notice given to either the board or to the ((state board)) department of ecology shall preclude a further notice to be given to any other board or to the ((state board)) department of ecology. Within thirty days of its receipt of such notice, the ((state board)) department of ecology or board may require, as a condition precedent to the construction, installation, or establishment of the air contaminant source or sources covered thereby, the submission of plans, specifications, and such other information as it deems necessary in order to determine whether the proposed construction, installation, or establishment will be in accord with applicable rules and regulations in force pursuant to this chapter, and will provide all known available and reasonable methods of emission control. If ((within thirty days of the receipt)) on the basis of plans, specifications, or other information required pursuant to this section the ((state board)) department of ecology or board determines that the proposed construction, installation, or establishment will not be in accord with this chapter or the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto, or will not provide all known available and reasonable means of emission control, it shall issue an order for the prevention of the construction, installation, or establishment of the air contaminant source or sources. ((Failure of such order to issue within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed: PROVIDED, That it is in accordance with the plans, specifications or other information, if any, required to be submitted:)) If on the basis of plans, specifications, or other information required pursuant to this section, the department of ecology or board determines that the proposed construction, installation, or establishment will be in accord with this chapter, and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto and will provide all known available and reasonable methods of emission control, it shall issue an order of approval of the construction, installation, and establishment of the air contaminant source or sources, which order may provide such conditions of operation as are reasonably necessary to assure the maintenance of compliance with this chapter and the applicable

ordinances, resolutions, rules, and regulations adopted pursuant thereto.

(2) For the purposes of this chapter, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction or installation or establishment of a new air contaminant source. The determination, under subsection (1) of this section, of whether a proposed construction, installation, or establishment will be in accord with this chapter and the applicable ordinances, resolutions, rules, and regulations adopted pursuant thereto shall include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded.

(3) Nothing in this section shall be construed to authorize the ((state board)) department of ecology or board to require the use of emission control equipment or other equipment, machinery, or devices of any particular type, from any particular supplier, or produced by any particular manufacturer.

(4) Any features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to subsection (1) hereof shall be maintained in good working order.

(5) The absence of an ordinance, resolution, rule, or regulation, or the failure to issue an order pursuant to this section shall not relieve any person from his obligation to comply with any emission control requirements or with any other provision of law.

NEW SECTION. Sec. 3. There is added to chapter 70.94 RCW a new section to read as follows:

Whenever any regulation relating to emission standards or other requirements for the control of emissions is adopted which provides for compliance with such standards or requirements no later than a specified time after the date of adoption of the regulation, the appropriate activated air pollution control authority or, if there be none, the department of ecology shall, by regulatory order, issue to air contaminant sources subject to the standards or requirements, schedules of compliance setting forth timetables for the achievement of compliance as expeditiously as practicable but in no case later than the time specified in the regulation. Interim dates in such schedules for the completion of steps of progress toward compliance shall be as enforceable as the final date for full compliance therein.

Sec. 4. Section 33, chapter 238, Laws of 1967 as amended by section 23, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.205 are each amended to read as follows:

Whenever any records or other information, other than ambient

air quality data or emission data, furnished to or obtained by the ((state board)) department of ecology or the board of any authority pursuant to any sections in chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or is likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the ((state board)) department of ecology or board. Nothing herein shall be construed to prevent the use of records or information by the ((state board)) department of ecology or board in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere: PROVIDED, That such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section; PROVIDED FURTHER, That emission data furnished to or obtained by the department of ecology or board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the department of ecology or board.

Sec. 5. Section 49, chapter 238, Laws of 1967 as amended by section 35, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.334 are each amended to read as follows:

(1) In all instances where the ((state board)) department of ecology or board of any authority is permitted or required to hold hearings under the provisions of this chapter, such hearings shall be held before the ((state board)) department of ecology or board of any authority, or the state board or board of any authority may appoint a hearing officer((; who shall have an attorney admitted to practice in the state)).

(2) A duly appointed hearing officer shall have all the powers, rights, and duties of the ((state board)) department of ecology or board of any authority relating to the conduct of hearings.

((3) At the conclusion of a hearing at which he has presided, the hearing officer shall prepare written findings of fact and conclusions of law, and a recommended decision. Parties to the proceeding shall be notified of the proposed decision as provided in RCW 34.04.110 through 34.04.120, as now or hereafter amended.))

NEW SECTION. Sec. 6. There is added to chapter 70.94 RCW a new section to read as follows:

Whenever the department of ecology shall find that any county which is outside the jurisdictional boundaries of an activated air pollution control authority is capable of effectively administering the issuance and enforcement of permits for any or all of the kinds of burning identified in RCW 70.94.650(1) and (3) and desirous of

doing so, the department of ecology may delegate all powers necessary for the issuance and enforcement of permits for any or all of the kinds of burning to the county: PROVIDED, That such delegation may be withdrawn by the department of ecology upon a finding that the county is not effectively administering the permit program.

NEW SECTION. Sec. 7. There is added to chapter 70.94 RCW a new section to read as follows:

It is hereby declared to be the policy of this state that strong efforts should be made to minimize adverse effects on air quality from the open burning of field and turf grasses grown for seed. To such end this section is intended to promote the development of economical and practical alternate agricultural practices to such burning, and to provide for interim regulation of such burning until practical alternates are found.

(1) The department shall approve of a study or studies for the exploration and identification of economical and practical alternate agricultural practices to the open burning of field and turf grasses grown for seed. Prior to the issuance of any permit for such burning under RCW 70.94.650, there shall be collected a fee not to exceed fifty cents per acre of crop to be burned. Any such fees received by any authority shall be transferred to the department of ecology. The department of ecology shall deposit all such acreage fees in a special grass seed burning research account, hereby created, in the general fund. The department shall allocate moneys annually from this account for the support of any approved study or studies as provided for in this subsection. For the conduct of any such study or studies, the department may contract with public or private entities: PROVIDED, That whenever the department of ecology shall conclude that sufficient reasonably available alternates to open burning have been developed, and at such time as all costs of any studies have been paid, the grass seed burning research account shall be dissolved, and any money remaining therein shall revert to the general fund.

(2) Whenever on the basis of information available to it, the department after public hearings have been conducted wherein testimony will be received and considered from interested parties wishing to testify shall conclude that any procedure, program, technique, or device constitutes a practical alternate agricultural practice to the open burning of field or turf grasses grown for seed, the department shall, by order, certify approval of such alternate. Thereafter, in any case which any such approved alternate is reasonably available, the open burning of field and turf grasses grown for seed shall be disallowed and no permit shall issue therefor.

(3) Until approved alternates become available, the department

or the authority may limit the number of acres on a pro rata basis among those affected for which permits to burn will be issued in order to effectively control emissions from this source.

(4) Permits issued for burning of field and turf grasses may be conditioned to minimize emissions insofar as practical, including denial of permission to burn during periods of adverse meteorological conditions.

NEW SECTION. Sec. 8. There is added to chapter 70.94 RCW a new section to read as follows:

Except as provided in sections 9 and 10 of this 1973 amendatory act, nothing in this chapter or in regulations implementing this chapter shall prevent a resident of a single family residence from burning wood, so long as it has not been treated by an application of prohibitive material or substances, and natural vegetation in the course of maintaining or improving the grounds of such residence: PROVIDED, That the department of ecology or board of any authority may set conditions for such burning so as to reduce the impact on air quality.

NEW SECTION. Sec. 9. There is added to chapter 70.94 RCW a new section to read as follows:

No person shall cause or allow any outdoor fire:

(1) Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, or any substance other than natural vegetation which normally emits dense smoke or obnoxious odors except as provided in RCW 70.94.650: PROVIDED, That agricultural heating devices which otherwise meet the requirements of this chapter shall not be considered outdoor fires under this section.

(2) During a forecast, alert, warning or emergency condition as defined in RCW 70.94.715;

(3) In any area which has been designated by the department of ecology or board of an activated authority as an area exceeding or threatening to exceed state or federal ambient air quality standards or, after July 1, 1976, state ambient air quality goals for particulates.

NEW SECTION. Sec. 10. There is added to chapter 70.94 RCW a new section to read as follows:

In addition to any other powers granted to them by law, the fire protection agency authorized to issue burning permits may regulate or prohibit outdoor burning in order to prevent or abate the nuisances caused by such burning.

NEW SECTION. Sec. 11. Notwithstanding any provision of the law to the contrary, except RCW 70.94.660 through 70.94.690, the department of ecology, upon its approval of any plan (or part thereof) required or permitted under the federal clean air act, shall

have the authority to enforce all regulatory provisions within such plan (or part thereof): PROVIDED, That departmental enforcement of any such provision which is within the power of an activated authority to enforce shall be initiated only, when with respect to any source, the authority is not enforcing the provisions and then only after written notice is given the authority.

NEW SECTION. Sec. 12. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 232, Laws of 1957 and RCW 70.94.050;
- (2) Section 47, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.520;
- (3) Section 48, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.530;
- (4) Section 49, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.540;
- (5) Section 50, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.550; and
- (6) Section 51, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.560.

Passed the House April 14, 1973.

Passed the Senate April 12, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 194

[Substitute House Bill No. 1060]

PROPERTY TAX LEVY LIMITATION--

ONE PER CENT OF VALUE--

PORT, UTILITY DISTRICTS EXCLUDED

AN ACT Relating to revenue and taxation; amending section 4, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 2, Laws of 1973 (Initiative Measure No. 44) and RCW 84.52.050; and declaring an emergency.

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

Section 1. Section 4, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 2, Laws of 1973 (Initiative Measure No. 44) 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)) and all taxing districts ((and governmental agencies)), now existing or hereafter created, shall not in any year

exceed ((twenty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent)) one percentum 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 as authorized by law and in conformity with the provisions of Article VII, section 2 (a), (b), or (c) of the Constitution of the state of Washington.

Nothing herein contained shall prohibit the legislature from allocating or reallocating ((up to twenty mills)) the authority to levy taxes between the taxing districts of the state and its political subdivisions ((and nothing herein contained shall prevent levies at the rates provided by existing law by or for any port or power district)) in a manner which complies with the aggregate tax limitation set forth in this section.

NEW SECTION. Sec. 2. This 1973 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 April 7, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 195

[House Bill No. 186]

TAX LEVY RATES--DOLLARS PER

\$1,000 VALUATION

AN ACT Relating to revenue and taxation; amending section 12, chapter 182, Laws of 1945 as amended by section 1, chapter 194, Laws of 1949 and RCW 14.08.290; amending section 7, chapter 152, Laws of 1919 and RCW 17.12.070; amending section 6, chapter 140, Laws of 1921 and RCW 17.16.120; amending section 10, chapter 153, Laws of 1957 and RCW 17.28.100; amending section 4, chapter 64, Laws of 1959 and RCW 17.28.252; amending section 26, chapter 153, Laws of 1957 as last amended by section 5, chapter 56, Laws of 1970 ex. sess.

and RCW 17.28.260; amending section 5, chapter 59, Laws of 1955 and RCW 27.12.050; amending section 7, chapter 59, Laws of 1955 as amended by section 2, chapter 42, Laws of 1970 ex. sess. and RCW 27.12.070; amending section 7, chapter 75, Laws of 1947 as amended by section 8, chapter 59, Laws of 1955 and RCW 27.12.150; amending section 28, chapter 104, Laws of 1903 as last amended by section 26, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.020; amending section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130; amending section 2, chapter 46, Laws of 1973 and RCW 28A.41.130; amending section 28B.20.394, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 107, Laws of 1972 ex. sess. and RCW 28B.20.394; amending section 35.07.180, chapter 7, Laws of 1965 and RCW 35.07.180; amending section 35.10.240, chapter 7, Laws of 1965 as last amended by section 7, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.240; amending section 14, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.315; amending section 35.13.172, chapter 7, Laws of 1965 and RCW 35.13.172; amending section 35.21.430, chapter 7, Laws of 1965 and RCW 35.21.430; amending section 35.23.470, chapter 7, Laws of 1965 and RCW 35.23.470; amending section 35.24.350, chapter 7, Laws of 1965 and RCW 35.24.350; amending section 35.30.020, chapter 7, Laws of 1965 and RCW 35.30.020; amending section 35.31.060, chapter 7, Laws of 1965 and RCW 35.31.060; amending section 8, chapter 7, Laws of 1967 and RCW 35.32A.060; amending section 22, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.145; amending section 35.56.190, chapter 7, Laws of 1965 and RCW 35.56.190; amending section 35.58.090, chapter 7, Laws of 1965 and RCW 35.58.090; amending section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 9, chapter 303, Laws of 1971 ex. sess. and RCW 35.58.450; amending section 35.61.210, chapter 7, Laws of 1965 and RCW 35.61.210; amending section 35A.14.220, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.220; amending section 35A.31.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.070; amending section 35A.33.145, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.145; amending section 35A.40.090, chapter 119, Laws of 1967 ex. sess. as amended by section 16, chapter 42, Laws of 1970 ex. sess. and RCW 35A.40.090; amending section 36.32.350, chapter 4, Laws of 1963 as last amended by section 3, chapter 85, Laws of 1971 ex. sess. and RCW 36.32.350; amending section 36.33.140, chapter 4, Laws of 1963 and RCW 36.33.140; amending section 1, chapter 25, Laws of 1971 ex. sess. and RCW 36.33.220; amending

section 36.40.090, chapter 4, Laws of 1963 and RCW 36.40.090; amending section 1, chapter 102, Laws of 1972 ex. sess. and RCW 36.40.300; amending section 36.47.040, chapter 4, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1970 ex. sess. and RCW 36.47.040; amending section 36.54.080, chapter 4, Laws of 1963 and RCW 36.54.080; amending section 36.62.090, chapter 4, Laws of 1963 and RCW 36.62.090; amending section 9, chapter 218, Laws of 1963 and RCW 36.68.480; amending section 13, chapter 218, Laws of 1963 as amended by section 19, chapter 42, Laws of 1970 ex. sess. and RCW 36.68.520; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 20, chapter 42, Laws of 1970 ex. sess. and RCW 36.69.140; amending section 36.82.040, chapter 4, Laws of 1963 as amended by section 2, chapter 25, Laws of 1971 ex. sess. and RCW 36.82.040; amending section 11, chapter 189, Laws of 1967 and RCW 36.93.110; amending section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 92, Laws of 1970 ex. sess. and RCW 41.16.060; amending section 4, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.040; amending section 2, chapter 13, Laws of 1911 and RCW 45.72.050; amending section 3, chapter 243, Laws of 1969 ex. sess. and RCW 45.82.020; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 103, Laws of 1972 ex. sess. and RCW 46.68.120; amending section 20, chapter 34, Laws of 1939 as last amended by section 1, chapter 101, Laws of 1963 and RCW 52.08.030; amending section 3, chapter 70, Laws of 1941 as last amended by section 1, chapter 18, Laws of 1965 ex. sess. and RCW 52.08.060; amending section 3, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 30, chapter 42, Laws of 1970 ex. sess. and RCW 52.16.080; amending section 7, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.120; amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 1, chapter 105, Laws of 1971 ex. sess. and RCW 52.16.130; amending section 9, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.140; amending section 9, chapter 53, Laws of 1961 as amended by section 2, chapter 243, Laws of 1969 ex. sess. and RCW 52.16.160; amending section 4, chapter 31, Laws of 1961 as amended by section 3, chapter 47, Laws of 1970 ex. sess. and RCW 53.06.040; amending section 11, chapter 65, Laws of 1955 and RCW 53.36.020; amending section 1, chapter 29, Laws of 1925 as amended by section 1, chapter 22, Laws of 1965 ex. sess. and RCW 53.36.070; amending section 1, chapter 265, Laws of 1957 and RCW 53.36.100; amending section 4, chapter 162,

Laws of 1971 ex. sess. and RCW 53.47.040; amending section 9, chapter 390, Laws of 1955 and RCW 54.16.080; amending section 4, chapter 210, Laws of 1941 as last amended by section 1, chapter 250, Laws of 1953 and RCW 56.04.050; amending section 1, chapter 267, Laws of 1961 as amended by section 4, chapter 47, Laws of 1970 ex. sess. and RCW 56.08.110; amending section 14, chapter 210, Laws of 1941 as last amended by section 10, chapter 250, Laws of 1953 and RCW 56.16.010; amending section 17, chapter 210, Laws of 1941 as last amended by section 6, chapter 103, Laws of 1959 and RCW 56.16.030; amending section 18, chapter 210, Laws of 1941 as last amended by section 80, chapter 56, Laws of 1970 ex. sess. and RCW 56.16.040; amending section 16, chapter 250, Laws of 1953 as amended by section 12, chapter 103, Laws of 1959 and RCW 56.16.115; amending section 3, chapter 114, Laws of 1929 as last amended by section 1, chapter 251, Laws of 1953 and RCW 57.04.050; amending section 1, chapter 242, Laws of 1961 as amended by section 5, chapter 47, Laws of 1970 ex. sess. and RCW 57.08.110; amending section 7, chapter 18, Laws of 1959 as amended by section 7, chapter 108, Laws of 1959 and RCW 57.16.020; amending section 9, chapter 18, Laws of 1959 as amended by section 9, chapter 108, Laws of 1959 and RCW 57.16.040; amending section 11, chapter 114, Laws of 1929 as last amended by section 83, chapter 56, Laws of 1970 ex. sess. and RCW 57.20.010; amending section 16, chapter 251, Laws of 1953 and RCW 57.20.015; amending section 18, chapter 114, Laws of 1929 as last amended by section 4, chapter 25, Laws of 1951 2nd ex. sess. and RCW 57.20.100; amending section 2, chapter 129, Laws of 1893 as last amended by section 34, chapter 271, Laws of 1969 ex. sess. and RCW 58.08.040; amending section 82, chapter 250, Laws of 1907 and RCW 65.12.660; amending section 95, chapter 250, Laws of 1907 as amended by section 2, chapter 121, Laws of 1973 and RCW 65.12.790; amending section 23, chapter 6, Laws of 1947 and RCW 68.16.230; amending section 1, chapter 191, Laws of 1939 as last amended by section 6, chapter 47, Laws of 1970 ex. sess. and RCW 70.12.010; amending section 1, chapter 162, Laws of 1943 as last amended by section 21, chapter 277, Laws of 1971 ex. sess. and RCW 70.32.010; amending section 3, chapter 117, Laws of 1959 as last amended by section 24, chapter 277, Laws of 1971 ex. sess. and RCW 70.32.090; amending section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040; amending section 11, chapter 277, Laws of 1971 ex. sess. as amended by section 1, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.070; amending section 6, chapter 264, Laws of 1945 as last amended

by section 2, chapter 218, Laws of 1971 ex. sess. and RCW 70.44.060; amending section 15, chapter 238, Laws of 1967 as amended by section 7, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.091; amending section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 1, chapter 84, Laws of 1971 ex. sess. and RCW 71.20.110; amending section 7, page 210, Laws of 1888 as last amended by section 9, chapter 47, Laws of 1970 ex. sess. and RCW 73.08.080; amending section 2, chapter 105, Laws of 1917 as last amended by section 14, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.360; amending section 13, chapter 288, Laws of 1971 ex. sess. and RCW 84.04.140; amending section 84.28.090, chapter 15, Laws of 1961 as last amended by section 33, chapter 299, Laws of 1971 ex. sess. and RCW 84.28.090; amending section 5, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.050; amending section 6, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.060; amending section 8, chapter 294, Laws of 1971 ex. sess. as amended by section 2, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.080; amending section 12, chapter 294, Laws of 1971 ex. sess. as amended by section 5, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.120; amending section 14, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.140; amending section 4, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.230; amending section 1, chapter 117, Laws of 1967 ex. sess. and RCW 84.36.270; amending section 84.40.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 125, Laws of 1972 ex. sess. and RCW 84.40.030; amending section 84.40.040, chapter 15, Laws of 1961 as amended by section 36, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.040; amending section 84.40.320, chapter 15, Laws of 1961 and RCW 84.40.320; amending section 84.48.080, chapter 15, Laws of 1961 as amended by section 9, chapter 288, Laws of 1971 ex. sess. and RCW 84.48.080; amending section 8, chapter 288, Laws of 1971 ex. sess. and RCW 84.48.085; amending section 84.52.010, chapter 15, Laws of 1961 as last amended by section 6, chapter 243, Laws of 1971 ex. sess. and RCW 84.52.010; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1973 and RCW 84.52.052; amending section 84.52.054, chapter 15, Laws of 1961 and RCW 84.52.054; amending section 84.52.056, chapter 15, Laws of 1961 and RCW 84.52.056; amending section 8, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.061; amending section 9, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.063; amending section 1,

chapter 33, Laws of 1967 ex. sess. as last amended by section 25, chapter 299, Laws of 1971 ex. sess. and RCW 84.52.065; amending section 2, chapter 174, Laws of 1965 ex. sess. as last amended by section 7, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.020; amending section 22, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.030; amending section 23, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.040; amending section 24, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.050; amending section 84.56.180, chapter 15, Laws of 1961 as amended by section 5, chapter 124, Laws of 1969 ex. sess. and RCW 84.56.180; amending section 4, chapter 184, Laws of 1967 and RCW 85.15.030; amending section 7, chapter 184, Laws of 1967 and RCW 85.15.060; amending section 8, chapter 184, Laws of 1967 and RCW 85.15.070; amending section 15, chapter 184, Laws of 1967 and RCW 85.15.140; amending section 2, chapter 45, Laws of 1951 and RCW 85.18.010; amending section 4, chapter 45, Laws of 1951 and RCW 85.18.030; amending section 9, chapter 45, Laws of 1951 and RCW 85.18.080; amending section 16, chapter 45, Laws of 1951 and RCW 85.18.150; amending section 19, chapter 225, Laws of 1909 and RCW 85.24.250; amending section 4, chapter 131, Laws of 1961 and RCW 85.32.030; amending section 5, chapter 131, Laws of 1961 and RCW 85.32.040; amending section 6, chapter 131, Laws of 1961 and RCW 85.32.050; amending section 7, chapter 131, Laws of 1961 and RCW 85.32.060; amending section 11, chapter 131, Laws of 1961 and RCW 85.32.100; amending section 12, chapter 131, Laws of 1961 and RCW 85.32.110; amending section 13, chapter 131, Laws of 1961 and RCW 85.32.120; amending section 22, chapter 131, Laws of 1961 and RCW 85.32.210; amending section 4, chapter 154, Laws of 1967 and RCW 85.36.030; amending section 1, chapter 66, Laws of 1907 as amended by section 8, chapter 204, Laws of 1941 and RCW 86.12.010; amending section 1, chapter 54, Laws of 1913 and RCW 86.13.010; amending section 16, chapter 153, Laws of 1961 and RCW 86.15.160; amending section 8, chapter 226, Laws of 1961 and RCW 87.84.070; adding new sections to chapter 84.52 RCW; creating new sections; repealing section 7, chapter 152, Laws of 1919 and RCW 17.12.070; repealing section 6, chapter 140, Laws of 1921 and RCW 17.16.120; repealing section 28A.48.110, chapter 223, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1971 ex. sess., section 10, chapter 124, Laws of 1972 ex. sess. and RCW 28A.48.110; repealing section 8, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.061; repealing section 2, chapter 174, Laws of 1965 ex. sess., section 2, chapter 146, Laws of 1967 ex. sess., section 7,

chapter 92, Laws of 1970 ex. sess. and RCW 84.54.020; repealing section 74.04.150, chapter 26, Laws of 1959, section 66, chapter 262, Laws of 1969 ex. sess., section 3, chapter 92, Laws of 1970 ex. sess., section 17, chapter 281, Laws of 1971 ex. sess. and RCW 74.04.150; declaring an emergency; and prescribing effective dates.

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

Section 1. Section 12, chapter 182, Laws of 1945 as amended by section 1, chapter 194, Laws of 1949 and RCW 14.08.290 are each amended to read as follows:

The establishment of county airport districts is hereby authorized. Written application for the formation of such a district signed by at least one hundred registered voters, who reside and own real estate in the proposed districts, shall be filed with the board of county commissioners. The board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence and registration of the signers with the records of his office and shall, as soon as possible, certify to said board the number of qualified signers. If the requisite number of signers is so certified, the board shall thereupon place the proposition: "Shall a county airport district be established in the following area: (describing the proposed district)?," upon the ballot for vote of the people of the proposed district at the next election, general or special. If a majority of the voters on such proposition shall vote in favor of the proposition, the board, shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

The area of such district may be the area of the county including incorporated cities and towns, or such portion or portions thereof as the board may determine to be the most feasible for establishing an airport. When established, an airport district shall be a municipality as defined in this chapter and entitled to all the powers conferred by this chapter and exercised by municipal corporations in this state. The airport district is hereby empowered to levy not more than ~~((three mills against the assessed valuation))~~ seventy-five cents per thousand dollars of assessed value of the property lying within the said airport district: PROVIDED, HOWEVER, Such levy shall not be made unless first approved at any election called for the purpose of voting on such levy.

Sec. 2. Section 10, chapter 153, Laws of 1957 and RCW 17.28.100 are each amended to read as follows:

At the same election there shall be submitted to the voters

residing within the district, for their approval or rejection, a proposition authorizing the mosquito control district, if formed, to levy at the earliest time permitted by law on all taxable property located within the mosquito control district a general tax, for one year, of ~~((one mill))~~ twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the mosquito control district. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR ~~((ONE MILL))~~

TWENTY-FIVE CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE LEVY

"Shall the mosquito control district, if formed, levy a general tax of ~~((one mill))~~ twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said district in excess of the ~~((forty mill))~~ constitutional and/or statutory tax limits for authorized purposes of the district?

YES..... □

NO..... □"

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax ~~((and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the proposed mosquito control district at the last preceding county or state general election))~~ in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 3. Section 4, chapter 64, Laws of 1959 and RCW 17.28.252 are each amended to read as follows:

A mosquito control district shall have the power to levy additional taxes in excess of the ~~((forty mill))~~ constitutional and/or statutory limitations for any of the authorized purposes of such district, not in excess of ~~((two mills a))~~ fifty cents per thousand dollars of assessed value per year when authorized so to do by the electors of such district by a three-fifths majority of those voting on the proposition ~~((at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections))~~ in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended at such time as may be fixed by the board of trustees for the district, which special election may be called by the board of trustees of the district, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote

"Yes" and those opposing thereto to vote "No" (?: PROVIDED, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said mosquito control district who voted in the last preceding general state or county election)). Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election.

Sec. 4. Section 26, chapter 153, Laws of 1957 as last amended by section 5, chapter 56, Laws of 1970 ex. sess. 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 or rates as authorized by the board of trustees. 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~~)) constitutional and/or statutory tax limitations 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. 5. Section 5, chapter 59, Laws of 1955 and RCW 27.12.050 are each amended to read as follows:

After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than ~~((two mills a))~~ fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or RCW 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

Sec. 6. Section 7, chapter 59, Laws of 1955 as amended by section 2, chapter 42, Laws of 1970 ex. sess. and RCW 27.12.070 are each amended to read as follows:

At no time shall the total indebtedness of the district exceed an amount that could be raised by a ~~((one mill))~~ one dollar per thousand dollars of assessed value levy on the then existing value of the taxable property of the district, as the term "value of the taxable property" is defined in RCW 39.36.015, except as provided in RCW 27.12.222 or RCW 84.52.052 or 84.52.056. The county treasurer of the county in which any rural county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Sec. 7. Section 7, chapter 75, Laws of 1947 as amended by section 8, chapter 59, Laws of 1955 and RCW 27.12.150 are each amended to read as follows:

Funds for the establishment and maintenance of the library service of the district shall be provided by the boards of county commissioners of the respective counties by means of an annual tax levy on the property in the district of not more than ~~((two mills a))~~ fifty cents per thousand dollars of assessed value per year. The tax levy in the several counties shall be at a uniform rate and shall be based on a budget to be compiled by the board of trustees of the intercounty rural library district who shall determine the uniform tax rate necessary and certify their determination to the respective boards of county commissioners.

Excess levies authorized pursuant to RCW 27.12.222 and RCW 84.52.052 or 84.52.056 shall be at a uniform rate which uniform rate shall be determined by the board of trustees of the intercounty rural library district and certified to the respective boards of county

commissioners.

Sec. 8. Section 28, chapter 104, Laws of 1903 as last amended by section 26, chapter 176, Laws of 1969 ex. sess. and RCW 27.16.020 are each amended to read as follows:

Each board of county commissioners may levy a tax not exceeding ~~((one tenth of a mill))~~ two and one-half cents per thousand dollars of assessed value for the support of the circulating library in its intermediate school district. The proceeds of the tax collected shall constitute the circulating school library fund for the payment of all bills created by the intermediate school district for the purchase of books and instructional materials and fixtures. The fund shall be deposited in the office of the county treasurer in which other intermediate school district funds are deposited, and shall be payable on order of the intermediate school district board of education.

Sec. 9. Section 2, chapter 46, Laws of 1973 and RCW 28A.41.130 are each amended to read as follows:

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 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(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 the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.050 as now or hereafter amended 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))~~ (2) ~~((Eighty-five))~~ One hundred percent of the

receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

~~((4))~~ (3) ~~((Eighty-five))~~ One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

~~((5))~~ Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.294 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.050 as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district; both regular and excess; and

~~((6))~~ Eighty-five) (4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Notwithstanding any other provision of this chapter, allocation of moneys to school districts per enrolled student shall be an amount, not less than ninety-five percent of the amount, excluding special levies, which any such district realized from state and local funds during the immediately preceding school year.

Sec. 10. Section 28B.20.394, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 107, Laws of 1972 ex. sess. and RCW 28B.20.394 are each amended to read as follows:

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 and the county of King, Washington, to pay to said city and said county such sums as shall be mutually agreed upon for governmental services rendered to said university tract, as defined in RCW 28B.20.390 which sums shall not exceed the amounts that would be received pursuant to limitations imposed by ~~((RCW 84:52:050))~~ section 134 of this 1973 amendatory act by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums 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: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith

is superseded.

Sec. 11. Section 35.07.180, chapter 7, Laws of 1965 and RCW 35.07.180 are each amended to read as follows:

In the same manner and to the same extent as the proper authorities of the former city or town could have done had it not been disincorporated, the receiver shall be authorized to levy taxes on all taxable property, to receive the taxes when collected and to apply them together with the proceeds arising from sales to the extinguishment of the obligations of the former city or town.

After all the lawful claims against the former city or town have been paid excepting bonds not yet due, no levy greater than ((two mills on the dollar)) fifty cents per thousand dollars of assessed value shall be made; nor shall the levy be greater than sufficient to meet the accruing interest until the bonds mature.

Sec. 12. Section 35.10.240, chapter 7, Laws of 1965 as last amended by section 7, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.240 are each amended to read as follows:

In all cases of consolidation or annexation, the county canvassing board or boards shall canvass the votes cast thereat.

In an election on the question of consolidation the votes cast in each of such corporations shall be canvassed separately, and a statement shall be prepared showing the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, the number of votes cast for creation of a community municipal corporation and the number of votes cast against creation of a community municipal corporation, or both, as the case may be, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon and on the name of the new corporation shall be canvassed, and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified copy of such statement shall be filed with the legislative body of each of the corporations affected.

If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation or consolidation and creation of a community municipal corporation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last United States census or the determination of the planning and community affairs agency on or before the second Monday next succeeding the receipt of the statement of canvass to prepare a statement of votes cast and declaring the consolidation adopted or consolidation adopted and a

community municipal corporation created, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast and the name of the consolidated city to be that name for which the greatest number of votes were cast.

In an election on the question of the annexation of all or a part of a city or town to another city or town, the votes cast in the city or town or portion thereof to be annexed shall be canvassed, and if a majority of the votes cast be in favor of annexation, the results shall be included in a statement indicating the total number of votes cast.

Both with respect to consolidation and annexation, a proposition for the assumption of indebtedness outside the (~~forty mill~~) constitutional and/or statutory limits by the other corporation(s) in which the indebtedness did not originate shall be deemed approved if a majority of at least three-fifths of the electors of the corporation in which the indebtedness did not originate votes in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such corporations in which indebtedness did not originate at the last preceding general election: PROVIDED, HOWEVER, That if general obligation bond indebtedness was incurred by action by the city legislative body, a proposition for the assumption of such indebtedness by the other corporation(s) in which such indebtedness did not originate shall be deemed approved if a majority of the electors of the corporation in which such indebtedness did not originate votes in favor thereof.

A duly certified copy of such statement of either a consolidation or annexation election shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state and the planning and community affairs agency a duly certified copy of the record of such statement.

Sec. 13. Section 14, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.315 are each amended to read as follows:

Upon the consolidation of two or more corporations, or the annexation of any city or town after March 1st and prior to the date of adopting the final budget and levying the property tax (~~millage~~) dollar rate on the first Monday in October for the next calendar year, the legislative body of the consolidated city or the annexing city is authorized to adopt the final budget and to levy the property tax (~~millage~~) dollar rate for the consolidated cities or towns and any city or town annexed.

Sec. 14. Section 35.13.172, chapter 7, Laws of 1965 and RCW 35.13.172 are each amended to read as follows:

Whenever a petition is filed by either of the methods provided in RCW 35.13.020 and 35.13.130, or a resolution is adopted by the city council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than ~~((two))~~ eight hundred thousand dollars in assessed valuation, the mayor of the city or town to which the area is proposed to be annexed and the chairman of the board of county commissioners and county superintendent of schools can agree by majority that a review proceeding, as provided herein, is not necessary for the protection of the interest of the various parties, in which case such review procedures shall be dispensed with.

Sec. 15. Section 35.21.430, chapter 7, Laws of 1965 and RCW 35.21.430 are each amended to read as follows:

On and after January 1, 1951, whenever a city or town shall acquire electric generation, transmission and/or distribution properties which at the time of acquisition were in private ownership, the legislative body thereof may each year order payments made to all taxing districts within which any part of the acquired properties are located, in amounts not greater than the taxes, exclusive of excess levies voted by the people and/or levies made for the payment of bonded indebtedness pursuant to the provisions of ~~((the forty-third tax law))~~ Article VII, section 2 of the Constitution of this state, as now or hereafter amended, and/or by statutory provision, imposed on such properties in the last tax year in which said properties were in private ownership.

Sec. 16. Section 35.23.470, chapter 7, Laws of 1965 and RCW 35.23.470 are each amended to read as follows:

Every city of the second class having less than eighteen thousand inhabitants may create a publicity fund to be used exclusively for exploiting and advertising the general advantages and opportunities of the city and its vicinity. After providing by ordinance for a publicity fund the city council may ~~((levy))~~ use therefor an annual ~~((special tax))~~ amount not exceeding ~~((two and one-half mills on each dollar of the))~~ sixty-two and one-half cents per thousand dollars of assessed valuation of the taxable property in the city.

~~((All money derived from this special tax levy shall be paid into the publicity fund and paid out only upon warrants drawn against it and signed by at least two members of the publicity board.))~~

Sec. 17. Section 35.24.350, chapter 7, Laws of 1965 and RCW 35.24.350 are each amended to read as follows:

If by unanimous vote the city council so decides, every city of the third class may use ~~((two mills))~~ fifty cents per thousand

dollars of assessed value of its regular levy for the purpose of creating a fund for any special improvement or purpose authorized by law. The resolution creating the fund must specifically designate its purpose, and the fund so created shall not be used for any purpose other than that designated in the resolution creating it except by unanimous vote of the city council.

Sec. 18. Section 35.30.020, chapter 7, Laws of 1965 and RCW 35.30.020 are each amended to read as follows:

The city council of all unclassified cities in this state are authorized to construct a sewer or system of sewers and to keep the same in repair; the cost of such sewer or sewers shall be paid from a special fund to be known as the "sewer fund" to be provided by the city council, which fund shall be created by a tax on all the property within the limits of such city: PROVIDED, That such tax shall not exceed ((fifty cents on each one hundred)) one dollar and twenty-five cents per thousand dollars of the assessed value of all real and personal property within such city for any one year. Whenever it shall become necessary for the city to take or damage private property for the purpose of making or repairing sewers, and the city council cannot agree with the owner as to the price to be paid, the city council may direct proceedings to be taken by law for the condemnation of such property for such purpose.

Sec. 19. Section 35.31.060, chapter 7, Laws of 1965 and RCW 35.31.060 are each amended to read as follows:

The city or town council after the drawing of warrants against the accident fund shall estimate the amount necessary to pay the warrants with accrued interest thereon, and shall levy a tax sufficient to pay that amount not exceeding ((three mills on the dollar)) seventy-five cents per thousand dollars of assessed value. If a single levy of ((three mills)) seventy-five cents per thousand dollars of assessed value is not sufficient, an annual levy of ((three mills)) seventy-five cents per thousand dollars of assessed value shall be made until the warrants and interest are fully paid.

Sec. 20. Section 8, chapter 7, Laws of 1967 and RCW 35.32A.060 are each amended to read as follows:

Every city having a population of over three hundred thousand may maintain an emergency fund, which fund balance shall not exceed ((one and one-half mills on each dollar of assessed valuation)) thirty-seven and one-half cents per thousand dollars of assessed value. Such fund shall be maintained by an annual budget allowance. When the necessity therefor arises transfers may be made to the emergency fund from any tax-supported fund except bond interest and redemption funds.

The city council by an ordinance approved by two-thirds of all of its members may authorize the expenditure of sufficient money from

the emergency fund to meet the expenses or obligations:

(1) Caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, act of God, act of the public enemy or any other such happening that could not have been anticipated; or

(2) For the immediate preservation of order or public health or for the restoration to a condition of usefulness of public property the usefulness of which has been destroyed by accident; or

(3) In settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of a public utility owned by the city; or

(4) To meet mandatory expenditures required by laws enacted since the last budget was adopted.

The city council by an ordinance approved by three-fourths of all its members may appropriate from the emergency fund, an amount sufficient to meet the actual necessary expenditures of the city for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of the making of the budget.

An ordinance authorizing an emergency expenditure shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the city charter.

Sec. 21. Section 22, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.145 are each amended to read as follows:

Every city or town may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in RCW 35.33.081 and 35.33.091. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in RCW 35.33.121: PROVIDED, That the total amount accumulated in such fund at any time shall not exceed the equivalent of ~~((one and one-half mills on each))~~ thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the city or town at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget.

Sec. 22. Section 35.56.190, chapter 7, Laws of 1965 and RCW 35.56.190 are each amended to read as follows:

For the purpose of raising revenues to carry on any project under this chapter including funds for the payment for the lands taken, purchased, acquired or condemned and the expenses incident to the acquiring thereof, or any other cost or expenses incurred by the

city under the provisions of this chapter but not including the cost of actually filling the lands for which the local improvement district was created, a city may levy an annual tax of not exceeding ((three mills on each dollar)) seventy-five cents per thousand dollars of assessed valuation of all property within the city. The city council or commission may create a fund into which all moneys so derived from taxation and moneys derived from rents and issues of the lands shall be paid and against which special fund warrants may be drawn or negotiable bonds issued to meet expenditures under this chapter.

Sec. 23. Section 35.58.090, chapter 7, Laws of 1965 and RCW 35.58.09C are each amended to read as follows:

The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the board of county commissioners of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN MUNICIPAL CORPORATION
((#)) Shall a metropolitan municipal corporation be established for the area described in a resolution of the board of commissioners of..... county adopted on theday of....., 19....., to perform the metropolitan functions of (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES.....□

NO□"

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the board of commissioners of the central county shall adopt a resolution setting a time and place for the first

meeting of the metropolitan council which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of ~~((one mill))~~ twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR (~~ONE MILL~~)

TWENTY-FIVE CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE LEVY

~~((~~"~~))~~ Shall the metropolitan municipal corporation, if formed, levy a general tax of ~~((one mill))~~ twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the ~~((forty mill))~~ constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES.....□

NO□"

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax ~~((and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area of the proposed metropolitan municipal corporation at the last preceding county or state general election))~~ in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 24. Section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 9, chapter 303, Laws of 1971 ex. sess. 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 three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, 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 value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the (~~forty mill~~) constitutional and/or statutory tax limit or may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or 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 or may be made payable from any combination of the foregoing sources. 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 be sold as provided in RCW 39.44.030 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 at a price not less than par and accrued interest.

Sec. 25. Section 35.61.210, chapter 7, Laws of 1965 and RCW 35.61.210 are each amended to read as follows:

The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed ((three mills on the assessed valuation)) seventy-five cents per thousand dollars of assessed value of the property in such park district: PROVIDED, That notwithstanding the provisions of RCW 84.52.050, and section 134 of this 1973 amendatory act the board is hereby authorized to levy a general tax in excess of ((three mills)) seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies ((commonly known as the forty mill tax limitation)). The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the ((three mills)) seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns. The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants.

Sec. 26. Section 35A.14.220, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.220 are each amended to read as follows:

Annexations under the provisions of RCW 35A.14.295, 35A.14.297, 35A.14.300, and 35A.14.310 shall not be subject to review by the annexation review board: PROVIDED, That in class AA, class A and first class counties in which a boundary review board is established under chapter ((189, Laws of 1967 [chapter 36.93 RCW])) 36.93 RCW all annexations shall be subject to review except as provided for in ((section 44 of chapter 189, Laws of 1967 [RCW 36.93.440])) RCW 36.93.110. When the area proposed for annexation in a petition or resolution, initiated and filed under any of the

methods of initiating annexation authorized by this chapter, is less than fifty acres or less than ((five hundred thousand)) two million dollars in assessed valuation, review procedures shall not be required as to such annexation proposal, except as provided in chapter ((189, Laws of 1967 [chapter 36.93 RCW])) 36.93 RCW in those counties with a review board established pursuant to chapter ((189, Laws of 1967 [chapter 36.93 RCW])) 36.93 RCW: PROVIDED, That when an annexation proposal is initiated by the direct petition method authorized by section 35A.14.120, review procedures shall not be required without regard to acreage or assessed valuation, except as provided in chapter ((189, Laws of 1967 [chapter 36.93 RCW])) 36.93 RCW in those counties with a boundary review board established pursuant to chapter ((189, Laws of 1967 [chapter 36.93 RCW])) 36.93 RCW.

Sec. 27. Section 35A.31.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.31.070 are each amended to read as follows:

The legislative body of the code city, after the drawing of warrants against the accident fund, shall estimate the amount necessary to pay the warrant with accrued interest thereon and may appropriate and transfer money from the contingency fund sufficient therefor, or if there is not sufficient money in the contingency fund the legislative body shall levy a tax sufficient to pay all or such unpaid portion of any judgment not exceeding ((three mills on the dollar)) seventy-five cents per thousand dollars of assessed value. If a single levy of ((three mills)) seventy-five cents per thousand dollars of assessed value is not sufficient, and if other moneys are not available therefor, an annual levy of ((three mills)) seventy-five cents per thousand dollars of assessed value shall be made until the warrants and interest are fully paid.

Sec. 28. Section 35A.33.145, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.145 are each amended to read as follows:

Every code city may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in RCW 35A.33.080 and 35A.33.090. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in RCW 35A.33.120: PROVIDED, That the total amount accumulated in such fund at any time shall not exceed the equivalent of ((one and one-half mills on each dollar)) thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the city at such time. Any moneys in the contingency fund at the end of the

fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget.

Sec. 29. Section 35A.40.090, chapter 119, Laws of 1967 ex. sess. as amended by section 16, chapter 42, Laws of 1970 ex. sess. and RCW 35A.40.090 are each amended to read as follows:

No code city shall incur an indebtedness exceeding three-fourths of one percent of the value of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed two and one-half percent of the value of the taxable property therein except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the constitutional and/or statutory limitations ((provided in RCW 84.52.050)) relating to levy of taxes ((within the forty mill limit)). The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

Sec. 30. Section 36.32.350, chapter 4, Laws of 1963 as last amended by section 3, chapter 85, Laws of 1971 ex. sess. and RCW 36.32.350 are each amended to read as follows:

County commissioners may designate the Washington state association of counties as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county commissioners' budget for the costs of any such services rendered: PROVIDED, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of ((one two-hundredths of a mill)) one-half of one cent per thousand dollars of assessed value against ((the actual value of)) the taxable property of the county. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the board of county commissioners in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

Sec. 31. Section 36.33.140, chapter 4, Laws of 1963 and RCW 36.33.140 are each amended to read as follows:

The amount of the levy in any year for the county lands assessment fund shall not exceed the estimated amount needed over and above all moneys on hand in the fund, to pay the aggregate amount of such assessments falling due against the lands in the ensuing year; and in no event shall the levy exceed ((one-half of one mill)) twelve and one-half cents per thousand dollars of assessed value upon all taxable property in the county.

Sec. 32. Section 1, chapter 25, Laws of 1971 ex. sess. and RCW 36.33.220 are each amended to read as follows:

The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road ((millage)) property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050 and section 134 of this 1973 amendatory act.

Sec. 33. Section 36.40.090, chapter 4, Laws of 1963 and RCW 36.40.090 are each amended to read as follows:

The board of county commissioners shall then fix the amount of the levies necessary to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including such portion of any available surplus as in the discretion of the board it shall be advisable to so use, and such expenditures as are to be met from bond or warrant issues: PROVIDED, That no county shall retain an unbudgeted cash balance in the current expense fund in excess of a sum equal to the proceeds of a ((five mill)) one dollar and twenty-five cents per thousand dollars of assessed value levy against the assessed valuation of the county. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

Sec. 34. Section 1, chapter 102, Laws of 1972 ex. sess. and RCW 36.40.300 are each amended to read as follows:

In each year that the state provides financial aid to the counties for a county revaluation program, the county-assumed portion of the costs of such revaluation program including administrative costs, but excluding any costs pertaining to the development of new data processing programs, shall be shared by all local taxing districts within the county authorized to make levies pursuant to RCW 84.52.050. Such sharing shall be for those costs incurred during 1972 and 1973 only. For the years 1972 and 1973 during which, such state financial aid is received, the county treasurer shall compute the proportionate amount of the county-assumed portion of the costs of revaluation in direct proportion to the ratio of basic property tax as authorized by RCW 84.52.050 and section 134 of this 1973 amendatory act levied on behalf of each local taxing district each year, and he shall, on December 31 of those years, bill each local taxing district the amount so computed. The treasurer shall collect said bill by deducting said amount from the next year's tax receipts and place the deducted sums in a special fund to be used solely for the expenses and costs of the administration of the revaluation program: PROVIDED, That the sum deducted from the basic ((millage)) dollar rate for common schools shall be excluded and not considered as revenue in the computation of the school equalization formula pursuant to RCW 28A.41.130. A copy of the assessor's portion of the

preliminary county budget shall be sent to each local taxing district affected by the provisions of this section at the time such budget is prepared.

This section shall expire on December 31, 1974.

Sec. 35. Section 36.47.040, chapter 4, Laws of 1963 as last amended by section 2, chapter 47, Laws of 1970 ex. sess. and RCW 36.47.040 are each amended to read as follows:

Each county which designates the Washington state association of county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: PROVIDED, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the amount which would be raised by a levy of ~~((one fourth-hundredth of a mill))~~ one-quarter of a cent per thousand dollars of assessed value against ~~((the actual value of))~~ the taxable property in such county.

Sec. 36. Section 36.54.080, chapter 4, Laws of 1963 and RCW 36.54.080 are each amended to read as follows:

The establishment of a ferry district is hereby authorized. Written application for the formation of such a district signed by at least twenty-five percent of the registered voters, who reside and own real estate in the proposed district, shall be filed with the board of county commissioners. The board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence, and registration of the signers with the records of his office and shall, as soon as possible, certify to said board the number of qualified signers. If the requisite number of signers is so certified, the board shall thereupon place the proposition, "Shall a ferry district be established in the following area to operate ferries between the following termini: (describing the proposed district and ferry routes)?" upon the ballot for vote of the people of the proposed district at the next election, general or special. If sixty percent of the voters on such proposition vote in favor of the proposition,

the board shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

The area of such district shall be the area within any island or group of islands outside incorporated cities and towns, or such portion or portions thereof as specifically defined in the application.

When established, a ferry district shall be a municipality as defined by the statutes of the state and entitled to all the powers conferred by law and exercised by municipal corporations in this state. A ferry district is hereby empowered to levy not more than ((five mills)) one dollar and twenty-five cents per thousand dollars of assessed value against the assessed valuation of the property lying within the district.

A ferry district shall have the right of eminent domain according to the laws of the state.

A ferry district is exempt and excepted from the provisions of the public service laws and is not subject to the control, rules and regulations of the Washington utilities and transportation commission; and it shall not be necessary for a ferry district to apply for or obtain a certificate of public convenience and necessity.

A ferry district may operate any vessel over its authorized routes upon any of the waters of the state that touch any of the area of the district.

Sec. 37. Section 36.62.090, chapter 4, Laws of 1963 and RCW 36.62.090 are each amended to read as follows:

If the hospital is established, the board of county commissioners, at the time of levying general taxes, shall levy a tax at the rate voted, not to exceed ((two mills)) fifty cents per thousand dollars of assessed value in any one year, for the maintenance of the hospital.

Sec. 38. Section 9, chapter 218, Laws of 1963 and RCW 36.68.480 are each amended to read as follows:

If the petition or resolution initiating the formation of the proposed service area proposes that the initial improvements of services are to be financed by a special levy, a special election for that purpose shall be conducted within the boundaries of the service area. All registered voters within the service area shall be eligible to vote on the proposition. The county auditor, for the purpose of the special election, may combine or divide precincts in order to provide the greatest convenience to voters of the service area.

The county auditor, in submitting the issue to the voters for their approval or rejection, shall submit and express two propositions on the ballot in substantially the following form:

(1) FORMATION OF LOCAL SERVICE AREA

Shall a county service area be established for the area described in a resolution of the board of commissioners of..... county, adopted on the.....day of 19...., to provide financing for neighborhood park facilities, improvements and services?

Yes..... No.....

(2) SPECIAL LEVY (SPECIAL BOND ISSUE)

Shall the county commissioners, for the purposes of"..... local service area No....." or "(name of district) local service area of.....county", levy a general tax of..... ((~~mill~~)) dollars per thousand dollars of assessed value for one year upon taxable property within said service area in excess of the ((~~forty mill~~)) constitutional and/or statutory tax limits for authorized purposes of the service area?

OR shall the county commissioners for the purposes of..... local park service area NO. issue.....dollars of general obligation bonds for a period of not to exceed twenty years and levy a tax of approximately ((~~mill~~)) dollars per thousand dollars of assessed value upon all taxable property in said service area to pay the interest on and to retire said bonds; said levy to be excess of the ((~~forty mill~~)) constitutional and/or statutory tax limits?

Yes..... No.....

Sec. 39. Section 13, chapter 218, Laws of 1963 as amended by section 19, chapter 42, Laws of 1970 ex. sess. and RCW 36.68.520 are each amended to read as follows:

A service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service district in the manner prescribed for cities for the purpose of exceeding the limitations established by section 2, Article 7 ((as amended by Amendment 47)) of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

A service area may issue general obligations bonds for capital purposes only, not to exceed an amount, together with any out-standing general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of ((~~millage~~)) dollar rate in accordance with the provisions of RCW 84.52.056: PROVIDED, That such districts may issue bonds

equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose.

Sec. 40. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 20, chapter 42, Laws of 1970 ex. sess. and RCW 36.69.140 are each amended to read as follows:

A park and recreation district shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, ((as amended by Amendment 47,)) of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and may provide for the retirement thereof by levies in excess of ((millage)) dollar rate limitations in accordance with the provisions of RCW 84.52.056.

Sec. 41. Section 36.82.040, chapter 4, Laws of 1963 as amended by section 2, chapter 25, Laws of 1971 ex. sess. and RCW 36.82.040 are each amended to read as follows:

For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ((ten mills on the dollar)) two dollars and twenty-five cents per thousand dollars of assessed value of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund except that revenue diverted under RCW 36.33.220 shall be placed in a separate and identifiable account within the county current expense fund.

Sec. 42. Section 11, chapter 189, Laws of 1967 and RCW 36.93.110 are each amended to read as follows:

In case of annexation to a city or a town, where the area proposed for annexation is less than ten acres and less than ((two))

eight hundred thousand dollars in assessed valuation, the chairman of the review board may by written statement declare that review by the board is not necessary for the protection of the interest of the various parties, in which case the board shall not review such annexation.

Sec. 43. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 92, Laws of 1970 ex. sess. and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of ~~((one-half of one mill on))~~ twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said ~~((millage))~~ dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said ~~((one-half of one mill))~~ twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said ~~((millage))~~ dollar rate may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of ~~((one-half of one mill on))~~ twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional ~~((one-half of one mill))~~ twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional ~~((one-half of one mill))~~ twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such ~~((millage))~~ dollar rate may be levied and used for any other municipal purpose.

Sec. 44. Section 4, chapter 209, Laws of 1969 ex. sess. as amended by section 2, chapter 6, Laws of 1970 ex. sess. and RCW 41.26.040 are each amended to read as follows:

The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) All fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as

such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the ((millage)) dollar rate as provided in RCW 41.16.060, and this ((millage)) dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this chapter, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection

(2), such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium.

Sec. 45. Section 2, chapter 13, Laws of 1911 and RCW 45.72.050 are each amended to read as follows:

There shall be levied annually at the same time the levy for general county taxes is made, and by the officers levying the said county tax, a tax of not more than (~~five mills on the dollar~~) one dollar and twenty-five cents per thousand dollars of assessed value on all taxable property within the territorial limits of every such road district as the same existed at the time of the adoption of such township organization for the payment of and until the full amount of all indebtedness, together with all accrued and accruing interest thereon, existing against any such road district, shall have been paid in full.

Sec. 46. Section 3, chapter 243, Laws of 1969 ex. sess. and RCW 45.82.020 are each amended 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~~) dollar rate levy will take precedence over any additional (~~millage~~) dollar rates of fire protection districts under this 1969 amendatory act.

Sec. 47. Section 46.68.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 103, Laws of 1972 ex. sess. and RCW 46.68.120 are each amended to read as follows:

Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for

the supervision of work and expenditures of such counties on the county roads thereof: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the

trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams.....	\$1,227.00
Asotin.....	1,629.00
Benton.....	1,644.00
Chelan.....	2,224.00
Clallam.....	2,059.00
Clark.....	1,710.00
Columbia.....	1,391.00
Cowlitz.....	1,696.00
Douglas.....	1,603.00
Ferry.....	1,333.00
Franklin.....	1,612.00
Garfield.....	1,223.00
Grant.....	1,714.00
Grays Harbor.....	2,430.00
Island.....	1,153.00
Jefferson.....	2,453.00
King.....	2,843.00
Kitsap.....	1,938.00
Kittitas.....	1,565.00
Klickitat.....	1,376.00
Lewis.....	1,758.00
Lincoln.....	1,038.00
Mason.....	1,748.00
Okanogan.....	1,260.00
Pacific.....	2,607.00
Pend Oreille.....	1,753.00

Pierce.....	2,276.00
San Juan.....	1,295.00
Skagit.....	1,966.00
Skamania.....	2,023.00
Snohomish.....	2,269.00
Spokane.....	1,482.00
Stevens.....	1,068.00
Thurston.....	1,870.00
Wahkiakum.....	2,123.00
Walla Walla.....	1,729.00
Whatcom.....	1,738.00
Whitman.....	1,454.00
Yakima.....	1,584.00

PROVIDED, HOWEVER, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a ~~((ten mill))~~ two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f)

shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required; PROVIDED, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor".

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

Sec. 48. Section 20, chapter 34, Laws of 1939 as last amended by section 1, chapter 101, Laws of 1963 and RCW 52.08.030 are each amended to read as follows:

Any fire protection district organized under this act shall have authority:

(1) To lease, own, maintain, operate and provide fire engines and all other necessary or proper apparatus, facilities, machinery and equipment for the prevention and extinguishment of fires, and protection of life and property;

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suitable and convenient for housing, repairing and caring for fire fighting equipment;

(3) To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To contract with another county fire protection district, or with any town, city or municipal corporation or governmental agency or private person or persons to consolidate or cooperate for mutual fire fighting protection and prevention purposes. Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency;

(4) Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the

business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: PROVIDED, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation;

(5) To encourage uniformity and coordination of fire protection district operation programs, the fire commissioners of two or more fire protection districts, may form an association thereof, for the purpose of securing data and information of value in fighting and in preventing fires; hold and attend meetings thereof; and promote more economical and efficient operation of the associated fire protection districts. The directors of fire protection districts so associated shall adopt articles of association, select a chairman and secretary, and such other officers as they may determine, and may employ and discharge such agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from fire protection district expense funds upon vouchers of the respective associated districts: PROVIDED, That the aggregate contributions made to the association by any district in any calendar year shall not exceed ((one-tenth of one mill of the tax valuation of the district)) two and one-half cents per thousand dollars of assessed

valuation:

(6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof:

Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;

(7) To do all things and perform all acts not otherwise prohibited by law.

(8) May enter into contract to provide group life insurance for the benefit of the personnel of the fire districts, but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district.

Sec. 49. Section 3, chapter 70, Laws of 1941 as last amended by section 1, chapter 18, Laws of 1965 ex. sess. and RCW 52.08.060 are each amended to read as follows:

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

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

Sec. 50. Section 3, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 30, chapter 42, Laws of 1970 ex. sess. and RCW 52.16.080 are each amended to read as follows:

Fire protection districts are hereby authorized to incur general indebtedness for capital purposes which shall include replacements of equipment which may be damaged or lost and for the purpose of refunding outstanding coupon warrants issued for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-fourths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and to issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the (~~forty mill~~) constitutional and/or statutory tax limitations.

Sec. 51. Section 7, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.120 are each amended to read as follows:

An annual levy in excess of the (~~forty mill~~) constitutional

and/or statutory tax limitations shall be made upon all the taxable property within such district, except those lands within the district which are now or will hereafter be required to pay forest protection assessment, by the officers or governing body thereof now or hereafter charged by law with the duty of levying taxes for such district sufficient to meet the annual and semiannual payments of principal and interest due on said bonds.

Sec. 52. Section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 1, chapter 105, Laws of 1971 ex. sess. and RCW 52.16.130 are each amended to read as follows:

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all taxable property located in such district not to exceed ~~((two mills))~~ fifty cents per thousand dollars of assessed value: PROVIDED, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed ~~((four mills))~~ one dollar per thousand dollars of assessed value. Levies in excess of ~~((four mills))~~ one dollar per thousand dollars of assessed value or in excess of aggregate ~~((millage))~~ dollar rate limitations or both may be made for any district purpose when so authorized at a special election under the provisions of RCW 84.52.052. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

Sec. 53. Section 9, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.140 are each amended to read as follows:

Notwithstanding the limitation of ~~((millage))~~ dollar rates contained in RCW 52.16.130, the board of fire commissioners of any such district is hereby authorized to levy, 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, an ad valorem tax on all property located in such district of not to exceed ~~((two mills))~~ fifty cents per thousand dollars of assessed value when such levy will not take ~~((millage))~~ dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the ~~((forty mill))~~

constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when ((millage)) dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

Sec. 54. Section 9, chapter 53, Laws of 1961 as amended by section 2, chapter 243, Laws of 1969 ex. sess. and RCW 52.16.160 are each amended to read as follows:

Notwithstanding the limitation of ((millage)) dollar rates 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)) fifty cents per thousand dollars of assessed value, which levy may be made only if it will not cause the combined levies to exceed the ((forty mill)) constitutional and/or statutory limitations.

Sec. 55. Section 4, chapter 31, Laws of 1961 as amended by section 3, chapter 47, Laws of 1970 ex. sess. and RCW 53.06.040 are each amended to read as follows:

Each port district which designates the Washington public ports association as the agency through which the duties imposed by RCW 53.06.020 may be executed is authorized to pay dues and/or assessments to said association from port district funds in any calendar year in an amount not exceeding a sum equal to the amount which would be raised by a levy of ((one-hundredth of a mill)) one cent per thousand dollars of assessed value against ((the actual value of)) the taxable property within the port district.

Sec. 56. Section 11, chapter 65, Laws of 1955 and RCW 53.36.020 are each amended to read as follows:

A district may raise revenue by levy of an annual tax not to exceed ((two mills on each dollar of)) forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district for general port purposes, including the establishment of a capital improvement fund for future capital improvements, except that any levy for the payment of the principal and interest of the general bonded indebtedness of the port

district shall be in excess of any levy made by the port district under the ~~((two-mill))~~ forty-five cents per thousand dollars of assessed value limitation. The levy shall be made and taxes collected in the manner provided for the levy and collection of taxes in school districts of the first class.

Sec. 57. Section 1, chapter 29, Laws of 1925 as amended by section 1, chapter 22, Laws of 1965 ex. sess. and RCW 53.36.070 are each amended to read as follows:

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

Sec. 58. Section 1, chapter 265, Laws of 1957 and RCW 53.36.100 are each amended to read as follows:

A port district having adopted a comprehensive scheme of harbor improvements and industrial developments may thereafter raise revenue, for six successive years only, in addition to all other revenues now authorized by law, by an annual levy not to exceed ~~((two mills on each dollar of))~~ forty-five cents per thousand dollars of assessed value against the assessed valuation of the taxable property in such port district. Said levy shall be used exclusively for the exercise of the powers granted to port districts under chapter 53.25 except as provided in RCW 53.36.110. The levy of such taxes is herein authorized notwithstanding the provisions of RCW 84.52.050 and section 134 of this 1973 amendatory act. The revenues derived from levies made under RCW 53.36.100 and 53.36.110 not expended in the year in which the levies are made may be paid into a fund for future use in carrying out the powers granted under chapter 53.25, which fund may be accumulated and carried over from year to year, with the right to continue to levy the taxes provided for in RCW 53.36.100 and

53.36.110 for the purposes herein authorized.

Sec. 59. Section 4, chapter 162, Laws of 1971 ex. sess. and RCW 53.47.040 are each amended to read as follows:

The superior court, upon the filing of such petition, shall set such petition for hearing not less than one hundred twenty days and not more than one hundred eighty days after the date of filing said petition. Further, the court shall order the clerk of said court to give notice of the time and place fixed for the hearing by publication of notice in a newspaper of general circulation within such district, such publication to be once each week for three consecutive weeks, the date of first publication to be not less than thirty nor more than seventy days prior to the date fixed for the hearing upon such petition. Said notice shall further provide that all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, shall present their claims to the clerk of said court within ninety days from the date of first publication of said notice, and that upon failure to do so all such claims will be forever barred. The clerk shall also mail a copy by ordinary mail of such notice to all creditors of said district, including holders of revenue or general obligation bonds issued by said district, if any, such mailing to be mailed not later than thirty days after the hearing date has been set. No other or further notices shall be required at any stage of the proceedings for dissolution of an inactive port district pursuant to this chapter.

The clerk, ten days prior to the date set for the hearing, shall deliver to the court the following:

- (1) A list of the liabilities of the port district in detail with the names and addresses of creditors as then known; and
- (2) A list of the assets of the port district in detail as then known.

The court upon hearing the petition shall fix and determine all such claims subject to proof being properly filed as provided in this section; shall fix and determine the financial condition of the district as to its assets and liabilities, and if it finds the port district to be inactive in respect of any standard of inactivity set forth by this chapter, shall order the port district to be dissolved upon the following terms and conditions:

- (1) If there be no outstanding debts, or if the debts be less than the existing assets, the court shall appoint the auditor of the county in which the port district is located to be trustee of the port's assets and shall empower such person to wind up and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment. Upon the filing of such account,

the court shall fix a date for hearing upon the same and upon approval thereof, if such accounting be the final accounting, shall enter its order approving the same and declaring the port district dissolved.

At the request of the trustee the county sheriff may sell, at public auction, all real and personal property of the port district. The county sheriff shall cause a notice of such sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale. Such notice shall contain a description of the property to be sold and shall be signed by the sheriff or his deputy. Such notice shall be published at least once in an official newspaper in said county at least ten days prior to the date fixed for said sale. The sheriff or his deputy shall conduct said sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of such bid shall deliver the said property to such bidder. The moneys arising from such sale shall be turned over to the county auditor acting as trustee: PROVIDED, HOWEVER, That the sheriff shall first deduct the costs and expenses of the sale from the moneys and shall apply such moneys to pay said costs and expenses.

The court order shall provide that the assets remaining in the hands of the trustee shall be transferred to any school district, districts, or portions of districts, lying within the dissolved port district boundaries. The transfer of assets shall be prorated to the districts based on the assessed valuation of said districts.

(2) If the debts exceed the assets of the port district, then the court shall appoint the auditor of the county in which a port district is located to be trustee of the port's assets for the purpose of conserving the same and of paying liability of the port district as funds become available therefor. The trustee shall be empowered to generally manage, wind up, and liquidate the affairs of such district in such manner as the court shall provide and to file his accounting with the court within ninety days from the date of his appointment and as often thereafter as the court shall provide. The board of county commissioners, acting as pro tempore port district commissioners under the authority of RCW 53.36.020 shall levy an annual tax not exceeding ~~((one mill))~~ forty-five cents per thousand dollars of assessed value or such lesser amount as may previously have been voted by the taxpayers within said district, together with an amount deemed necessary for payment of the costs and expenses attendant upon the dissolution of said district, upon all the taxable property within said district, the amount of such levy to be determined from time to time by the court. When, as shown by the final accounting of the trustee, all of the indebtedness of the

district shall have been satisfied, the cost and expense of the proceeding paid or provided for, and the affairs of the district wound up, the court shall declare the district dissolved: PROVIDED, That if the indebtedness be composed in whole or in part of bonded debt for which a regular program of retirement has been provided, then the board of county commissioners shall be directed by the court to continue to make such annual levies as are required for the purpose of debt service upon said bonded debt.

Sec. 60. Section 9, chapter 390, Laws of 1955 and RCW 54.16.080 are each amended to read as follows:

A district may raise revenue by the levy of an annual tax on all taxable property within the district, not exceeding ~~((two mills))~~ forty-five cents per thousand dollars of assessed value in any one year, exclusive of interest and redemption for general obligation bonds. The commission shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file it in its records, on or before the first Monday in September. Notice of the filing of the proposed budget and the date and place of hearing thereon shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in the county. On the first Monday in October, the commission shall hold a public hearing on the proposed budget at which any taxpayer may appear and be heard against the whole or any part thereof. Upon the conclusion of the 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 officer of the county in which the district is located in the same manner as provided for the certification and collection of port district taxes. The commission may, prior to the receipt of taxes raised by levy, borrow money or issue warrants of the district in anticipation of the revenue to be derived from the levy or taxes for district purposes, and the warrants shall be redeemed from the first money available from such taxes. The warrants shall not exceed the anticipated revenue of one year, and shall bear interest at a rate of not to exceed six percent per annum.

Sec. 61. Section 4, chapter 210, Laws of 1941 as last amended by section 1, chapter 250, Laws of 1953 and RCW 56.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition, if the commissioners find the proposed sewer system will be conducive to the public health, welfare, and convenience and be of special benefit to the land within the boundaries of the said proposed or reorganized district, they shall by resolution call a special election to be held not less than thirty days and not more

than sixty days from the date thereof, and shall cause to be published a notice of such election at least once a week for four successive weeks in a newspaper of general circulation in the county, setting forth the hours during which the polls will be open, the boundaries of the proposed or reorganized district as finally adopted, and the object of the election, and the notice shall also be posted for ten days in ten public places in the proposed or reorganized district. The proposition shall be expressed on the ballots in the following terms:

Sewer District..... YES

Sewer District..... NO

or in the reorganization of a district, the proposition shall be expressed on the ballot in the following terms:

Sewer District Reorganization..... YES

Sewer District Reorganization..... NO

giving in each instance the name of the district as decided by the board.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the sewer district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the ~~((forty mill))~~ tax limitations provided by law, of not to exceed ~~((five mills))~~ one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

One year ~~((5 mill))~~ one dollar and twenty-five cents per thousand dollars of assessed value tax..... YES

One year ~~((5 mill))~~ one dollar and twenty-five cents per thousand dollars of assessed value tax..... NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition ~~((and the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the area encompassed by the proposed district at the last preceding general state election))~~ in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 62. Section 1, chapter 267, Laws of 1961 as amended by section 4, chapter 47, Laws of 1970 ex. sess. and RCW 56.08.110 are each amended to read as follows:

To improve the organization and operation of sewer districts, the commissioners of two or more such districts may form an

association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of sewer systems in their respective districts. The commissioners of sewer districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Sewer district commissioners and their employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy (~~on one-fortieth of a mill~~) of two and one-half cents per thousand dollars of assessed value against (~~the actual value of~~) the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Sec. 63. Section 14, chapter 210, Laws of 1941 as last amended by section 10, chapter 250, Laws of 1953 and RCW 56.16.010 are each amended to read as follows:

The sewer commissioners may submit at any general or special election, a proposition that said sewer district incur a general indebtedness payable from annual tax levies to be made in excess of the (~~forty mill~~) constitutional and/or statutory tax limitations for the construction of any part or all of the comprehensive plan for the district. If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to by three-fifths of the qualified voters of the said sewer district voting on said proposition at said election (~~at which such election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in said sewer district at the last preceding general state election~~) in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 64. Section 17, chapter 210, Laws of 1941 as last amended by section 6, chapter 103, Laws of 1959 and RCW 56.16.030 are each amended to read as follows:

In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general

comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the ~~((forty mill))~~ constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners without submitting a proposition therefor to the voters.

Sec. 65. Section 18, chapter 210, Laws of 1941 as last amended by section 80, chapter 56, Laws of 1970 ex. sess. 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 at such rate or rates as authorized by the board of sewer commissioners, 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))~~ constitutional and/or statutory tax limitations 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. 66. Section 16, chapter 250, Laws of 1953 as amended by section 12, chapter 103, Laws of 1959 and RCW 56.16.115 are each amended to read as follows:

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the ~~((forty mill))~~ constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this title.

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund

of the refunding issue. The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this title.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

Sec. 67. Section 3, chapter 114, Laws of 1929 as last amended by section 1, chapter 251, Laws of 1953 and RCW 57.04.050 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if the commissioners find the proposed district will be conducive to the public health, welfare, and convenience and be of special benefit to the land therein, they shall by resolution call a special election to be held not less than thirty days from the date of the resolution, and cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the county in which the proposed district is located, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. In submitting the proposition to the voters, it shall be expressed on the ballots in the following terms:

- Water District..... YES
- Water District..... NO

giving the name of the district as may be decided by the board.

At the same election the county commissioners shall submit a proposition to the voters, for their approval or rejection, authorizing the water district, if formed, to levy at the earliest time permitted by law on all property located in the district a general tax for one year, in excess of the ((~~forty mill~~)) limitations provided by law, of not to exceed ((~~five mills~~)) one dollar and twenty-five cents per thousand dollars of assessed value, for general preliminary expenses of the district, said proposition to be expressed on the ballots in the following terms:

- One year ((~~5 mill~~)) one dollar and twenty-five cents per thousand dollars of assessed value tax..... YES
- One year ((~~5 mill~~)) one dollar and twenty-five cents per thousand dollars of assessed value tax..... NO

Such proposition to be effective must be approved by a majority of at least three-fifths of the electors thereof voting on the proposition ((and the number of persons voting on the proposition shall

constitute not less than forty percent of the total number of votes cast in the area encompassed by the proposed district at the last preceding general state election held therein)) in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended.

Sec. 68. Section 1, chapter 242, Laws of 1961 as amended by section 5, chapter 47, Laws of 1970 ex. sess. and RCW 57.08.110 are each amended to read as follows:

To improve the organization and operation of water districts, the commissioners of two or more such districts may form an association thereof, for the purpose of securing and disseminating information of value to the members of the association and for the purpose of promoting the more economical and efficient operation of the comprehensive plans of water supply in their respective districts. The commissioners of water districts so associated shall adopt articles of association, select such officers as they may determine, and employ and discharge such agents and employees as shall be deemed convenient to carry out the purposes of the association. Water district commissioners and employees are authorized to attend meetings of the association. The expense of the association may be paid from the maintenance or general funds of the associated districts in such manner as shall be provided in the articles of association: PROVIDED, That the aggregate contributions made to the association by the district in any calendar year shall not exceed the amount which would be raised by a levy of ((one-fortieth of a mill)) two and one-half cents per thousand dollars of assessed value against ((the actual value of)) the taxable property of the district. The financial records of such association shall be subject to audit by the Washington state division of municipal corporations of the state auditor.

Sec. 69. Section 7, chapter 18, Laws of 1959 as amended by section 7, chapter 108, Laws of 1959 and RCW 57.16.020 are each amended to read as follows:

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the ((forty mill)) constitutional and/or statutory tax limitations for the construction of any part or all of the general comprehensive plan. The amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the proposition shall be adopted by three-fifths of the voters voting thereon((; at which such election the total number of persons voting shall constitute not less than forty percent of the total number of votes cast in said water district at the last preceding general state election)) in the manner set forth in Article

VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

Sec. 70. Section 9, chapter 18, Laws of 1959 as amended by section 9, chapter 108, Laws of 1959 and RCW 57.16.040 are each amended to read as follows:

In the same manner as provided for the adoption of the original general comprehensive plan, a plan providing for additions and betterments to the original general plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of or addition to the general comprehensive plan.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the ~~((forty mill))~~ constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments pursuant to resolution of the board of water commissioners without submitting a proposition therefor to the voters of the district.

Sec. 71. Section 11, chapter 114, Laws of 1929 as last amended by section 83, chapter 56, Laws of 1970 ex. sess. 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))~~ constitutional and/or statutory tax limitations 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 at such rate or rates as authorized by the board of water commissioners 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~~) constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual 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. 72. Section 16, chapter 251, Laws of 1953 and RCW 57.20.015 are each amended to read as follows:

The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby. The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon.

The provisions of RCW 57.20.010, specifying the form and maturities of general obligation bonds and providing for annual tax levies in excess of the (~~forty mill~~) constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this section.

Sec. 73. Section 18, chapter 114, Laws of 1929 as last amended by section 4, chapter 25, Laws of 1951 2nd ex. sess. and RCW 57.20.100 are each amended to read as follows:

A district may, in addition to the levies mentioned in RCW 57.16.020, 57.16.040 and 57.20.010, levy a general tax on all property located in the district each year not to exceed (~~two mill~~ ~~on~~) fifty cents per thousand dollars of assessed value against the

assessed valuation of the property where such water district maintains a fire department as authorized by RCW 57.16.010 to 57.16.040, inclusive, but such levy shall not be made where any property within such water district lies within the boundaries of any fire protection district created under RCW 52.04.010 to 52.04.160, inclusive. The taxes so levied shall be certified for collection as other general taxes, and the proceeds, when collected, shall be placed in such water district funds as the commissioners may direct and paid out on warrants issued for water district purposes.

Sec. 74. Section 2, chapter 129, Laws of 1893 as last amended by section 34, chapter 271, Laws of 1969 ex. sess. 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~~) dollar) 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.

Sec. 75. Section 82, chapter 250, Laws of 1907 and RCW 65.12.660 are each amended to read as follows:

Upon the original registration of land under this chapter, and also upon the entry of the certificate showing title as registered owners in heirs or devisees, there shall be paid to the registrar of titles, ((~~one-tenth~~) one-fortieth) of one percent of the assessed value of the real estate on the basis of the last assessment for general taxation, as an assurance fund.

Sec. 76. Section 95, chapter 250, Laws of 1907 as amended by section 2, chapter 121, Laws of 1973 and RCW 65.12.790 are each amended to read as follows:

The fees to be paid to the registrar of titles shall be as follows:

(1) At or before the time of filing of the certified copy of the application with the registrar, the applicant shall pay, to the registrar, on all land having an assessed value, exclusive of improvements, of one thousand dollars or less, ((~~one dollar, and twenty-five~~) thirty-one and one-quarter) cents on each one thousand

dollars, or major fraction thereof, of the assessed value of said land, additional.

(2) For granting certificates of title, upon each applicant, and registering the same, two dollars.

(3) For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the instruments connected therewith, and the issuance and registration of the new certificate of title, ten dollars.

(4) When the land transferred is held upon any trust, condition, or limitation, an additional fee of three dollars.

(5) For entry of each memorial on the register, including the filing of all instruments and papers connected therewith, and endorsements upon duplicate certificates, three dollars.

(6) For issuing each additional owner's duplicate certificate, mortgagee's duplicate certificate, or lessee's duplicate certificate, three dollars.

(7) For filing copy of will, with letters testamentary, or filing copy of letters of administration, and entering memorial thereof, two dollars and fifty cents.

(8) For the cancellation of each memorial, or charge, one dollar.

(9) For each certificate showing the condition of the register, one dollar.

(10) For any certified copy of any instrument or writing on file in his office, the same fees now allowed by law to county clerks and county auditors for like service.

(11) For any other service required, or necessary to carry out this chapter, and not hereinbefore itemized, such fee or fees as the court shall determine and establish.

(12) For registration of each mortgage and issuance of duplicate of title a fee of five dollars; for each deed of trust and issuance of duplicate of title a fee of eight dollars.

Sec. 77. Section 23, chapter 6, Laws of 1947 and RCW 68.16.230 are each amended to read as follows:

The board of cemetery commissioners shall have no authority to contract indebtedness in any year in excess of the aggregate amount of the currently levied taxes, which annual tax levy for cemetery district purposes shall not exceed (~~one-half mill on the dollar~~) eleven and one-quarter cents per thousand dollars of assessed valuation.

Sec. 78. Section 1, chapter 191, Laws of 1939 as last amended by section 6, chapter 47, Laws of 1970 ex. sess. and RCW 70.12.010 are each amended to read as follows:

Each board of county commissioners shall annually budget and levy as a tax for public health work in its county a sum equal to the

amount which would be raised by a levy of ~~((one-tenth of a mill))~~ five cents per thousand dollars of assessed value against ~~((the actual value of))~~ the taxable property in the county, but nothing herein contained shall prohibit a county from obtaining said public health funds from any other source of county revenue or from budgeting additional sums for public health work.

Sec. 79. Section 1, chapter 162, Laws of 1943 as last amended by section 21, chapter 277, Laws of 1971 ex. sess. and RCW 70.32.010 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, case finding, prevention and follow up of known cases of tuberculosis represents the basic step in the conquest of this major health problem. In order to carry on such work effectively, the legislative authority of each county enumerated in RCW 70.33.040 shall budget and shall levy annually a tax in a sum equal to the amount which would be raised by a levy of ~~((one-sixteenth of a mill))~~ six and one-quarter cents per thousand dollars of assessed value against the ~~((actual value of the))~~ taxable property in any county enumerated in RCW 70.33.040, to be used for the control of tuberculosis, including case finding, prevention and follow up of known cases of tuberculosis: PROVIDED, That upon certification of the secretary that any such county has an unexpended balance from such levy, ever and above the amount required for adequate tuberculosis control, including case finding, prevention and follow up of known cases of tuberculosis within such county, the legislative authority may budget and reappropriate the same for such tuberculosis control for the ensuing year, or it may allocate from time to time such unexpended balance, or any portion thereof, to the county health department for use in furtherance of other communicable disease prevention or control, or as provided in RCW 70.32.090 as now or hereafter amended. The sum herein provided for, and any income that may accrue from miscellaneous receipts in connection with the tuberculosis control program of such county, shall be placed in the county treasury in a special fund to be known as the tuberculosis fund, and obligations incurred for the tuberculosis control program shall be paid from said fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the legislative authority and the department a monthly report of receipts and disbursements in the tuberculosis fund, which report shall also show balances of cash on hand.

Sec. 80. Section 3, chapter 117, Laws of 1959 as last amended by section 24, chapter 277, Laws of 1971 ex. sess. and RCW 70.32.090 are each amended to read as follows:

In any county enumerated in RCW 70.33.040 where the secretary has certified that the proceeds of the ~~((one-sixteenth mill))~~ six and

one-quarter cents per thousand dollars of assessed value tax levy is more than adequate to provide for tuberculosis control, including case finding, prevention, and follow-up of known cases of tuberculosis in the county, the legislative authority, after a special public hearing conducted in accordance with the procedures established for hearings on budgetary matters as delineated in RCW 36.40.060 and 36.40.070 and upon making a finding that an adequate general public health program is being carried out in the county, may budget and reappropriate such surplus funds from the (~~one-sixteenth mill~~) six and one-quarter cents per thousand dollars of assessed value tax levy for the ensuing year to the county treasury for general purposes of the county, as authorized by law, or the legislative authority in its discretion may budget, reappropriate and transfer such surplus fund to any public hospital district within the county.

Sec. 81. Section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040 are each amended to read as follows:

In order to maintain adequate tuberculosis hospital facilities for the residents of the state of Washington and to assure their proper care pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall, levy annually a tax in the sum equal to the amount which would be raised by a levy of (~~one-sixteenth mill~~) six and one-quarter cents per thousand dollars of assessed value against (~~the actual value of~~) the taxable property in the county. Upon collection such sum shall be paid to the state to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090. All other sources of revenue in tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 shall be collected by such tuberculosis hospital facilities.

There is hereby appropriated to the department such revenue as is collected resulting from the (~~one-sixteenth mill~~) six and one-quarter cents per thousand dollars of assessed value levy provided for herein, and the collections made by the tuberculosis hospital facilities. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090: PROVIDED, That in the event that the revenues collected under this section exceed the cost of hospitalization, surplus revenues will be returned to the counties in

proportion to the property taxes collected from those counties.

Sec. 82. Section 11, chapter 277, Laws of 1971 ex. sess. as amended by section 1, chapter 143, Laws of 1972 ex. sess. and RCW 70.35.070 are each amended to read as follows:

Tuberculosis is a communicable disease and tuberculosis control, including hospitalization, case finding, prevention and follow-up of known cases of tuberculosis represent the basic step in the conquest of this major health problem. In order to carry on work effectively in these fields there shall be levied for tuberculosis hospital district purposes in the district annually a tax in a sum equal to the amount which would be raised by a levy of (~~one-eighth of a mill~~) twelve and one-half cents per thousand dollars of assessed value against (~~the actual value of~~) the taxable property in the district, or the equivalent thereof, such levy to be made by the board of county commissioners in each county constituting the district, fifty percent of the receipts therefrom to be forwarded quarterly in January, April, July and October of each year by the treasurers of such county, other than the headquarters county where tuberculosis control activities will be carried out by the hospital, to the treasurer of the headquarters district county, who shall be treasurer for the district. The retained fifty percent of the funds are to be used by the chief health officers to carry out tuberculosis control on a local county level pursuant to rules and regulations adopted by the district commission. The sum herein provided for, and any income that may occur from miscellaneous receipts in connection with the aforesaid programs shall be placed in a special fund in the treasury of the headquarters county and obligations incurred for such programs shall be paid from such fund upon order of the district commissioners by the treasurer in the same manner as general county obligations are paid.

Sec. 83. Section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 218, Laws of 1971 ex. sess. 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 receive 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 (a) revenue bonds therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof to pay the same as the commissioners of the district may determine, such revenue bonds, to be issued in the same manner and subject to the same provisions as provided for the issuance of revenue bonds by cities or towns under the Municipal Revenue Bond Act, chapter 35.41

RCW, as may hereafter be amended or (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 to 70.44.130, inclusive, as may hereafter be amended; 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)) seventy-five cents per thousand dollars of assessed value 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)) seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the 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)) seventy-five cents per thousand dollars of assessed value 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 or rates as authorized by the commission.

(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.

Sec. 84. Section 15, chapter 238, Laws of 1967 as amended by section 7, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.091 are each amended to read as follows:

An activated authority shall have the power to levy additional taxes in excess of the ~~((forty-thi))~~ constitutional and/or statutory tax limitations for any of the authorized purposes of such activated authority, not in excess of ~~((one mil))~~ twenty-five cents per thousand dollars of assessed value a year when authorized so to do by the electors of such authority by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, ~~((and not more often than twice in such year; in the manner provided by law for holding general elections; at such time as may be fixed by the board; which special election may be called by the board; at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing thereto to vote "No":~~ PROVIDED: That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said authority who voted in the last preceding general election)) in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 39 and as thereafter amended. Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. The expense of all special elections held pursuant to this section shall be paid by the authority.

Sec. 85. Section 16, chapter 110, Laws of 1967 ex. sess. as last amended by section 1, chapter 84, Laws of 1971 ex. sess. and RCW 71.20.110 are each amended to read as follows:

In order to provide additional funds for the coordination of community mental retardation services and to provide community mental

retardation or mental health services, the board of county commissioners of each county in the state shall budget and levy annually a tax in a sum equal to the amount which would be raised by a levy of ~~((one-fortieth of a mill))~~ two and one-half cents per thousand dollars of assessed value against ~~((the actual value of))~~ the taxable property in the county to be used for such purposes: PROVIDED, That all or part of the funds collected from the tax levied for the purposes of this section may be transferred to the state of Washington, department of social and health services, for the purpose of obtaining federal matching funds to provide and coordinate community mental retardation and mental health services. In the event a county elects to transfer such tax funds to the state for this purpose, the state shall grant these moneys and the additional funds received as matching funds to service-providing community agencies in the county which has made such transfer, pursuant to the plan approved by the county, as provided by chapters 71.16, 71.20, 71.24, and 71.28 RCW.

Sec. 86. Section 7, page 210, Laws of 1888 as last amended by section 9, chapter 47, Laws of 1970 ex. sess. and RCW 73.08.080 are each amended to read as follows:

The boards of county commissioners of the several counties in this state shall levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than ~~((one-eightieth of one mill))~~ one and one-quarter cents per thousand dollars of assessed value, and not greater than ~~((three-tenths of a mill))~~ thirty cents per thousand dollars of assessed value against ~~((the actual value of))~~ the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating the veteran's relief fund for the relief of honorably discharged veterans who served in the armed forces of the United States in the Civil War, in the war of Mexico or in any of the Indian wars, or the Spanish-American war or the Philippine insurrection, in the First World War, or Second World War or Korean conflict, or Viet Nam conflict, and the indigent wives, husbands, widows, widowers and minor children of such indigent or deceased veterans, to be disbursed for such relief by such board of county commissioners: PROVIDED, That if the funds on deposit, less outstanding warrants, residing in the veteran's relief fund on the first Tuesday in September exceed the expected yield of ~~((one-eightieth of one mill))~~ one and one-quarter cents per thousand dollars of assessed value ~~((on the actual value of))~~ against the taxable property of the county, the county commissioners may levy a lesser amount: PROVIDED FURTHER, That the costs incurred in the administration of said veteran's relief fund shall be computed by the

county treasurer not less than annually and such amount may then be transferred from the veteran's relief fund as herein provided for to the county current expense fund.

Sec. 87. Section 2, chapter 105, Laws of 1917 as last amended by section 14, chapter 207, Laws of 1971 ex. sess. and RCW 76.04.360 are each amended to read as follows:

If any owner of forest land neglects or fails to provide adequate fire protection therefor as required by RCW 76.04.350, the department shall provide such protection therefor, notwithstanding the provisions of RCW 76.04.520, at a cost to the owner of not to exceed ((nine)) eighteen cents an acre per year on lands west of the summit of the Cascade mountains and ((seven)) fourteen cents an acre per year on lands east of the summit of the Cascade mountains((: PROVIDED; That for the calendar years 1971 and 1972 the cost to the owner for such protection shall be eighteen cents an acre per year on lands west of the summit of the Cascade mountains and fourteen cents an acre per year on lands east of the summit of the Cascade mountains after which time said additional assessment shall revert to the 1970 level; During said calendar years the legislative budget committee shall study the costs of forest fire protection to determine the ratio of financial support to be borne by the state to that of the forest land owner;

The findings of the legislative budget committee shall be considered when establishing the forest patrol assessment for the ensuing biennium)).

For the purpose of *this act, the supervisor may divide the forest lands of the state, or any part thereof, into districts, for patrol and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Such cost must be justified by a showing of budgets on demand of twenty-five owners of forest land in the county concerned at public hearing. Any amounts paid or contracted to be paid by the supervisor of natural resources for this purpose from any funds at his disposal shall be a lien upon the property patrolled and protected, and unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred, on which date the supervisor of natural resources shall be prepared to make statement thereof upon request to any forest owner whose own protection has not been previously approved by him as adequate, shall be reported by the supervisor of natural resources to the assessor of the county in which the property is situated who shall extend the amounts upon the tax rolls covering the property, or the county assessor may upon authorization from the supervisor of natural resources levy the forest patrol assessment against the amounts of

unimproved land as shown in each ownership on the county assessor's records and the assessor may then segregate on his records to provide that the improved land and improvements thereon carry the ((millage)) dollar rate levy designed to support the rural fire protection districts as provided for in chapter 52.04 RCW.

The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that the next general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the supervisor of natural resources certifying them to the treasurer of the county in which the land involved is situated. Upon the collection of such assessments the county treasurer shall transmit them to the supervisor of natural resources to be applied against expenses incurred in carrying out the provisions of this section.

The supervisor of natural resources shall include in the assessment a sum not to exceed one-half of one cent per acre, to cover the necessary and reasonable cost of office and clerical work incurred in the enforcement of these provisions. He may also expend any sums collected from owners of forest lands or received from any other source for necessary office and clerical expense in connection with the enforcement of RCW 76.04.370.

When land against which fire patrol assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment, and the county treasurer in case the proceeds of sale exceed the amount of the delinquent tax judgment shall forthwith remit to the supervisor of natural resources the amount of the outstanding patrol assessments.

The supervisor of natural resources shall furnish a good and sufficient surety company bond running to the state, in a sum as great as the probable amount of money annually coming into his hands under the provisions of this chapter, conditioned for the faithful performance of his duties and for a faithful accounting for all sums received and expended thereunder, which bond shall be approved by the attorney general.

Sec. 88. Section 13, chapter 288, Laws of 1971 ex. sess. and RCW 84.04.140 are each amended to read as follows:

The term "regular property taxes" and the term "regular property tax levy" shall mean a property tax levy by or for a taxing district which levy is subject to the aggregate limitation set forth in section 134 of this 1973 amendatory act and RCW 84.52.050, as now or hereafter amended, or which is imposed by or for a port district or a public utility district.

Sec. 89. Section 84.28.090, chapter 15, Laws of 1961 as last amended by section 33, chapter 299, Laws of 1971 ex. sess. and RCW 84.28.090 are each amended to read as follows:

All lands classified as reforestation lands as provided in this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at ~~((eight))~~ sixteen dollars per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at ~~((four))~~ eight dollars per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

Sec. 90. Section 5, chapter 294, Laws of 1971 ex. sess. as amended by section 4, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.050 are each amended to read as follows:

(1) In preparing the assessment roll as of January 1, 1971 for taxes payable in 1972, the assessor of each timber county shall list all timber within such county on January 1, 1971 at the 1970 timber value. For each year commencing with 1972, the assessor of each timber county shall prepare a timber roll, which shall be separate and apart from the assessment roll, listing all timber within such county on January 1, 1972 at values determined as follows:

(a) For the five years commencing with 1972, the value shall be the 1970 timber value;

(b) For each succeeding five year period, the first of which commences on January 1, 1977, the value shall be such 1970 timber value increased or decreased in proportion to the percentage change, if any, which has occurred between the last year of the preceding five year period and 1973 in the average stumpage value per unit of measure of all timber harvested in such county. Such percentage change shall be determined by the department of revenue on the basis of information contained in the excise tax returns filed pursuant to RCW 82.04.291.

(2) As used in subsection (1) of this section, "1970 timber value" means the value for timber calculated in the same manner and using the same values and valuation factors actually used by such assessor in determining the value of timber for the January 1, 1970 assessment roll, except that if a revised schedule of such values and valuation factors was applied to some but not all timber in a county

for the January 1, 1970 assessment roll, such revised schedule shall be used by the assessor for any timber revalued for the 1971 or 1972 assessment rolls, and except that if the value of timber in any county on January 1, 1970 was not separately determined and shown on such assessment roll, 1970 timber value shall mean the value reconstructed from available records and information in accordance with rules to be prescribed by the department of revenue.

(3) The assessor of each timber county shall add to the assessment roll showing values of property as of January 1 of the years listed below, an "assessed valuation" of the portion, indicated below opposite each such year, of the value of timber as shown on the timber roll for such year. Such assessed valuation shall be calculated by multiplying such portion of the timber roll by the assessment ratio applied generally by such assessor in computing the assessed valuation of other property in his county. The ((millage)) dollar rates, calculated pursuant to RCW 84.33.060 for each taxing district within which there was timber on January 1 of such year, shall be extended against such "assessed valuation" of timber within such district as well as against the assessed value of all other property within such district as shown on such assessment roll.

Year	Portion of Timber Roll
1972	75%
1973	45%
1974 and thereafter	None

(4) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1 following the designation of the land upon which such timber stands pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, but only if the value of such timber was not separately determined and shown on the assessment roll as of either January 1, 1970 or January 1, 1972;

(5) Timber may be added to the timber roll, at the value specified in subsection (1) of this section, commencing as of January 1st following the sale or transfer of the land upon which such timber stands from an ownership in which such land was exempt from ad valorem taxation to an ownership in which such land is no longer exempt.

(6) The value of timber shall be deleted from the timber roll upon the sale or transfer of the land upon which such timber stands to an ownership in which such land is exempt from ad valorem taxation.

Sec. 91. Section 6, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.060 are each amended to read as follows:

In each year commencing with 1972 and ending with 1980, solely for the purpose of determining, calculating and fixing, pursuant to chapter 84.52 RCW, the ((millage)) dollar rates for all regular and

excess levies for the state and each timber county and taxing district lying wholly or partially in such county within which there was timber on January 1 of such year, the assessor of such timber county shall, for each such district, add to the amount of the "assessed valuation of the property" of all property other than timber the product of:

(a) The portion indicated below for each year of the value of timber therein as shown on the timber roll prepared in accordance with RCW 84.33.050 for such year; and

(b) The assessment ratio applied generally by such assessor in computing the assessed value of other property in his county:

Year	Portion of Timber Roll
1972 through 1977	100%
1978	75%
1979	50%
1980	25%
1981 and thereafter	None

Sec. 92. Section 8, chapter 294, chapter 1971 ex. sess. as amended by section 2, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.080 are each amended to read as follows:

(1) On or before December 15 of each year commencing with 1972 and ending with 1980, the assessor of each timber county shall deliver to the treasurer of such county and to the department of revenue a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The value of timber as shown on the timber roll for such year;

(b) The aggregate ((millage)) dollar rate calculated pursuant to RCW 84.33.060 and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection in the following year;

(c) A "timber factor" which is the product of such aggregate ((millage)) dollar rate, the assessment ratio applied generally by such assessor in computing the assessed value of other property in his county and the appropriate portion listed below of the timber roll for such year ((a) above):

Year	Portion of Timber Roll
1972	25%
1973	55%
1974 through 1977	100%
1978	75%
1979	50%
1980	25%

On or before December 31 of each year commencing with 1972 and ending with 1980, the department of revenue shall determine the

proportion that each taxing district's timber factor bears to the sum of the timber factors for all taxing districts in the state, and shall deliver a list to the assessor and the treasurer of each timber county and to the state treasurer showing the factor and proportion for each taxing district.

(2) On the tenth day of the second month of each calendar quarter, commencing February 10, 1973 and ending November 10, 1981, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (1) of this section) of the amount in state timber tax fund A collected upon timber harvested in the preceding calendar quarter, but in no event shall any quarterly payment to a taxing district, when added to the payments made to such district the previous quarters of the same year, exceed the timber factor for such district determined in December of the preceding year. The balance in state timber tax fund A, if any, after the distribution to taxing districts on November 10 each year commencing with 1973 and ending with 1981, shall be transferred to the state timber reserve fund.

(3) If the balance in state timber tax fund A immediately prior to such November 10 distribution to taxing districts is not sufficient to permit a payment which, when added to the payments made to any taxing district the previous quarters of the same year, will equal the timber factor for such district determined in December of the preceding year, the necessary additional amount shall be transferred from the state timber reserve fund to state timber tax fund A.

(4) The balance, if any, in the state timber reserve fund after the final transfer, if any, to or from state timber tax fund A in November of 1981, shall be transferred to state timber tax fund B on December 31, 1981, and one-fourth of such balance shall be distributed in each quarter of 1982 in the manner set forth in subsection (6) of this section.

(5) On or before December 31 of each year commencing with 1978, the department of revenue shall deliver to the treasurer of each timber county a schedule setting forth for each taxing district or portion thereof lying within such county:

(a) The average of the aggregate value of all timber harvested within such district in each of the immediately preceding five years as determined from the excise tax returns filed with the department of revenue;

(b) The aggregate ((millage)) dollar rate calculated pursuant to RCW 84.33.060 and chapter 84.52 RCW and actually utilized the immediately preceding October in extending property taxes upon the tax rolls for collection the following year;

(c) A "harvest factor" which is the product of such five year average and such aggregate ((millage)) dollar rate;

(d) The proportion that each taxing district's harvest factor bears to the sum of the harvest factors for all taxing districts in the state.

(6) On the tenth day of the second month of each calendar quarter commencing February 10, 1979, the state treasurer shall pay to the treasurer of each timber county for the account of each taxing district such district's proportion (determined in December of the preceding year pursuant to subsection (5) of this section) of the amount in state timber tax fund B collected upon timber harvested in the preceding calendar quarter.

Sec. 93. Section 14, chapter 294, Laws of 1971 ex. sess. as amended by section 6, chapter 148, Laws of 1972 ex. sess. and RCW 84.33.140 are each amended to read as follows:

(1) When land has been designated as forest land pursuant to subsection (3) of RCW 84.33.120 or 84.33.130, a notation of such designation shall be made each year upon the assessment and tax rolls, a copy of the notice of approval together with the legal description or assessor's tax lot numbers for such land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and such land shall be graded and valued pursuant to RCW 84.33.110 and 84.33.120 until removal of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove such designation;

(b) Passage of sixty days following the sale or transfer of such land to a new owner without receipt of an application pursuant to RCW 84.33.130 from the new owner;

(c) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that such land is no longer primarily devoted to and used for growing and harvesting timber.

Removal of designation upon occurrence of any of subsections (a) through (c) above shall apply only to the land affected, and upon occurrence of subsection (d) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber, without regard to other land that may have been included in the same application and approval for designation.

(2) Within thirty days after such removal of designation of forest land, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal a copy of the notice of removal with notation of the action, if any, upon appeal, together with the legal description or assessor's tax lot numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded, and commencing on January 1 of the year following the year in which the assessor mailed such notice, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in subsection (5) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. On or before May 31 following such assessment date, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the ((~~millage~~)) dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years for which such land was designated as forest land.

(4) Any compensating tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The compensating tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

Sec. 94. Section 4, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.230 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed ~~((one-eighth of one mill on))~~ six and one-quarter cents per thousand dollars of assessed valuation against the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by RCW 84.52.050 and section 134 of this 1973 amendatory act.

Sec. 95. Section 1, chapter 117, Laws of 1967 ex. sess. and RCW 84.36.270 are each amended to read as follows:

Subject to the terms and conditions set forth in RCW 84.36.280, whenever the owner of any real property dedicates the perpetual right to use the air space over his property to any county, city or other political subdivision of this state for the construction, operation and maintenance of stadium facilities, or for any parking facilities to be used in connection therewith, pursuant to the provisions of chapter 67.28 RCW, such property shall be exempt from general property taxation to such extent and as to such ~~((millage))~~ dollar rate as shall be determined by the county, city or other political subdivision, and subject to being used by a public body for a public purpose and only so long as the owner allows the use by the public body of the dedicated air rights free of rents or other charges.

Sec. 96. Section 84.40.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 125, Laws of 1972 ex. sess. and RCW 84.40.030 are each amended to read as follows:

All property shall be ~~((assessed fifty))~~ valued at one hundred percent of its true and fair value in money and assessed on the same basis unless specifically provided otherwise by law.

Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash without any deductions for any indebtedness owed including rentals to be paid. Notwithstanding any other provisions of this section or of any other statute, when the value of any taxable leasehold estate created prior to January 1, 1971 is being determined for assessment years prior to the assessment year 1973, there shall be deducted from what would otherwise be the value thereof the present worth of the rentals and other consideration which may be required of the lessee by the lessor for the unexpired term thereof: PROVIDED, That the foregoing provisions of this sentence shall not apply to any extension or renewal, made after December 31, 1970 of the term of any such estate, or to any such estate after the date, if any, provided for in the agreement for rental renegotiation.

The true and fair value of real property for taxation purposes (including property upon which there is a coal or other mine, or

stone or other quarry) shall be based upon the following criteria:

(1) (a) Any sales of the property being appraised or similar property with respect to sales made within the past five years ((less a percentage equal to the average; ordinary and usual direct costs of sale of that type of property; including but not limited to costs of title insurance; legal services; recording fees and taxes levied against such sales that are borne by the seller; and an amount equal to the customary fees payable to a licensed real estate broker for handling such a sale; such percentage to be determined by studies conducted by the department of revenue)). The appraisal shall take into consideration political restrictions such as zoning as well as physical and environmental influences. The appraisal shall also take into account, (i) in the use of sales by real estate contract as similar sales, the extent, if any, to which the stated selling price has been increased by reason of the down payment, interest rate, or other financing terms; and (ii) the extent to which the sale of a similar property actually represents the general effective market demand for property of such type, in the geographical area in which such property is located. Sales involving deed releases or similar seller-developer financing arrangements shall not be used as sales of similar property.

(b) In addition to sales as defined in subsection (1) (a), consideration may be given to cost, cost less depreciation, reconstruction cost less depreciation, or capitalization of income that would be derived from prudent use of the property. In the case of property of a complex nature, or being used under terms of a franchise from a public agency, or operating as a public utility, or property not having a record of sale within five years and not having a significant number of sales of similar property in the general area, the provisions of this subsection (1) (b) shall be the dominant factors in valuation. When provisions of this subsection (1) (b) are relied upon for establishing values the property owner shall be advised upon request of the factors used in arriving at such value.

(c) In valuing any tract or parcel of real property, the value of the land, exclusive of structures thereon shall be determined; also the value of structures thereon, but the valuation shall not exceed the value of the total property as it exists. In valuing agricultural land, growing crops shall be excluded.

PROVIDED, That the provisions of this subsection (1) shall be applicable to all values for use in computing property taxes for the assessment year 1972 for taxes payable in 1973 and subsequent years.

Sec. 97. Section 84.40.040, chapter 15, Laws of 1961 as amended by section 36, chapter 149, Laws of 1967 ex. sess. and RCW 84.40.040 are each amended to read as follows:

The assessor shall begin the preliminary work for each

assessment not later than the first day of December of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each year, and in the following manner, to wit:

He shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter ~~((fifty))~~ one hundred percent of the value of such land and of the total value of such improvements, together with the total of such ~~((fifty))~~ one hundred percent valuations, opposite each description of property on his assessment list and tax roll.

He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the standard form prescribed by the department of revenue, which statement and list shall include, if required by the form, the year of acquisition and total original cost of personal property in each category of the prescribed form, and shall be signed and verified under penalty of perjury by the person listing the property. Such list and statement shall be filed on or before the last day of March, but the assessor, upon written request filed on or before such date and for good cause shown therein, shall allow a reasonable extension of time for filing. The assessor shall on or before the 1st day of January of each year mail a notice to all such persons at their last known address that such statement and list is required, such notice to be accompanied by the form on which the statement or list is to be made: PROVIDED, That ~~((for the years 1968 and 1969 a second notice shall be mailed on or before the 15th day of March: PROVIDED FURTHER, That))~~ the notice mailed by the assessor to each taxpayer each year shall, if practicable, include the statement and list of personal property of the taxpayer for the preceding year. Upon receipt of such statement and list the assessor shall thereupon determine the true and fair value of the property included in such statement and enter ~~((fifty))~~ one hundred percent of the same in the assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of his residence or place of business. The assessor may, after giving written notice of his action to the person to be assessed, add to the assessment list any taxable property which, in his judgment, should be included in such list.

Sec. 98. Section 84.40.320, chapter 15, Laws of 1961 and RCW 84.40.320 are each amended to read as follows:

The assessor shall add up and note the amount of each column

in his detail and assessment lists, which he shall have bound in book form in such manner, to be prescribed or approved by the state tax commission, as will provide a convenient and permanent record of assessment. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the county board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

State of Washington,.....County, ss.

I,....., Assessor....., do solemnly swear that the books No. 1 to No., to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case ((fifty)) one hundred percent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

....., Assessor.

Subscribed and sworn to before me this..... day of , 19..... .

(L. S.) , Auditor of..... county.

PROVIDED, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

Sec. 99. Section 84.48.080, chapter 15, Laws of 1961 as amended by section 9, chapter 288, Laws of 1971 ex. sess. and RCW 84.48.080 are each amended to read as follows:

Annually during the month of August, the department of revenue shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the department, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation

of all property in the state.

First. The department shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal, so far as possible, to the true and fair value of such class as of January 1st of the current year for the purpose of ascertaining the just amount of tax due from each county for state purposes. Such classification may be on the basis of types of property, geographical areas, or both.

Second. The department shall keep a full record of its proceedings and the same shall be published annually by the department.

Third. The department shall have authority to adopt rules and regulations to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by the department.

The department shall levy the state taxes authorized by law: PROVIDED, That the amount levied in any one year for general state purposes shall not exceed the lawful ((~~millage~~)) dollar rate on the dollar of the assessed value of the property of the entire state, which assessed value shall be ((~~fifty~~)) one hundred percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the department, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the department.

After the completion of the duties hereinabove prescribed, the director of the department shall certify the record of the proceedings of the department under this section, the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

Sec. 100. Section 8, chapter 288, Laws of 1971 ex. sess. and RCW 84.48.085 are each amended to read as follows:

The board of equalization shall reconvene on the first Monday of August for the purpose of equalizing valuations of real property within the county. Such equalization shall be accomplished in the following manner:

(1) The department of revenue shall certify to the board the ratio of the assessed valuation of locally assessed property in the county to the true and fair value of such property, based upon assessed values established without regard to equalization accomplished pursuant to this section (hereinafter referred to as the "tentative county indicated ratio"). The department shall also certify the ratio of the assessed valuation of locally assessed property in those geographical areas in the county which have been revalued ((~~pursuant to a cyclical revaluation program approved by the~~

department of revenue) during the year ending May 31st prior to the convening of the board to the true and fair value of such property (hereinafter referred to as the "revaluation ratio"). If, pursuant to the ~~((cyclical))~~ revaluation program, land alone or improvements alone have been revalued for any assessment year, the revaluation ratio shall be for land alone, or improvements alone, as appropriate, or such combination thereof as is appropriate. The board shall review the revaluation ratio so certified, and may accept, reject, or modify the ratio.

(2) If the revaluation ratio, as determined by the board, exceeds one hundred and ~~((ten))~~ fifteen percent of the tentative county indicated ratio, the board shall order the assessor, in accordance with the provisions of RCW 84.41.040, to reduce by a uniform percentage the true and fair values of land, improvements, or both as appropriate, within the geographical areas covered by the revaluation ratio by a uniform percentage such that the revaluation ratio shall equal the tentative county indicated ratio. The board shall also order the assessor to make appropriate similar adjustments to properties valued in the same year. For the purpose of administrative convenience, such reductions may be accomplished, in lieu of actual changes in the assessment rolls, by the assessor certifying to the treasurer the percentage adjustment for the geographical areas involved, on the basis of which the treasurer shall adjust the amount of taxes otherwise payable.

Sec. 101. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 6, chapter 243, Laws of 1971 ex. sess. and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in section 134 of this 1973 amendatory act and RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road

districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to ((section 5 of this 1974 amendatory act)) RCW 84.34.230, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to ((section 5 of this 1974 amendatory act)) RCW 84.34.230, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation.

Sec. 102. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1973 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and section 134 of this 1973 amendatory act shall not prevent the levy of additional taxes((; not in excess of five mills a year and without anticipation of delinquencies in payment of taxes; in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds; outstanding on December 6, 1934; issued by or through the agency of the state; or any county; city; town; or school district; or the levy of additional taxes to pay interest on or toward the reduction; at the rates provided by statute; of the principal of county; city; town; or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to)) by any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and section 134 of this 1973 amendatory act, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district,

cemetery district, city or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess ((levies)) levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 103. Section 84.52.054, chapter 15, Laws of 1961 and RCW 84.52.054 are each amended to read as follows:

The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution as amended by Amendment 59 and specifically authorized by RCW 84.52.052 shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the ((millage)) dollar rate of tax levy that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual ((millage)) dollar rate required to produce the amount of dollars so voted upon, regardless of the estimate of ((millage)) dollar rate of tax levy carried in said proposition.

Sec. 104. Section 84.52.056, chapter 15, Laws of 1961 and RCW 84.52.056 are each amended to read as follows:

Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and section 134 of this 1973 amendatory act. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of

persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any 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 limitations provided for in RCW 84.51.050 to 84.52.056, inclusive and section 134 of this 1973 amendatory act.

Sec. 105. Section 9, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.063 are each amended to read as follows:

A rural library district may impose (~~(; notwithstanding the millage limitations provided for in RCW 84.52.056 and 84.54.020;~~) a regular property tax levy in an amount equal to that which would be produced by a levy of (~~(two mills)~~) fifty cents per thousand dollars of assessed value multiplied by an assessed valuation equal to (~~(twenty-five)~~) one hundred percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio; PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in section 134 of this 1973 amendatory act and RCW 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than fifty cents per thousand dollars against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the (~~(forty mill)~~) limitations provided for in Article VII, section 2 of the state Constitution and/or by statute.

Sec. 106. Section 1, chapter 33, Laws of 1967 ex. sess. as last amended by section 25, chapter 299, Laws of 1971 ex. sess. and RCW 84.52.065 are each amended to read as follows:

In each (~~(of the years 1967 and 1968 and 1969 and 1970 and 1971 and 1972)~~) year the state shall levy for collection in (~~(1968 and 1969 and 1970 and 1971 and 1972 and 1973 respectively)~~) the following year for the support of common schools of the state a tax of (~~(two mills)~~) three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted (~~(to fifty percent of true and fair value of such property in money)~~) to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue. (~~(Such levy shall be in addition to the levy for public~~

assistance purposes as provided in RCW 74.04.450 and 84.52.050, as now or hereafter amended.)

Sec. 107. Section 22, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.030 are each amended to read as follows:

For the first levy for a taxing district following annexation of additional property, the limitation set forth in RCW 84.55.010 shall be increased by an amount equal to (1) the aggregate assessed valuation of the newly annexed property as shown by the current completed and balanced tax rolls of the county or counties within which such property lies, multiplied by (2) the ((millage)) dollar rate that would have been used by the annexing unit in the absence of such annexation, plus (3) the additional dollar amount calculated by multiplying the increase in assessed value in the annexing district resulting from new constructions and improvements to property by the regular property tax levy rate of that annexing taxing district for the preceding year.

Sec. 108. Section 23, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.040 are each amended to read as follows:

If by reason of the operation of section 134 of this 1973 amendatory act and RCW 84.52.050, as now or hereafter amended the statutory ((millage)) dollar rate limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar rate amount of a levy provided for in this chapter shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased ((millage)) dollar limitation and the denominator of which is the ((millage)) dollar limitation for the prior year.

Sec. 109. Section 24, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.050 are each amended to read as follows:

Subject to any otherwise applicable statutory ((millage)) dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in RCW 84.55.010 through 84.55.040 if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made. The ballot of the proposition shall state the ((millage)) dollar rate proposed. After a levy authorized pursuant to this section is made, the dollar amount of such levy shall be used for the purpose of computing the limitations for subsequent levies provided for in this chapter.

Sec. 110. Section 84.56.180, chapter 15, Laws of 1961 as amended by section 5, chapter 124, Laws of 1969 ex. sess. and RCW 84.56.180 are each amended to read as follows:

Whenever any person, firm or corporation, shall, subsequent to the first day of January of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon ~~((fifty))~~ one hundred percent of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state from outside the state any goods or merchandise after the first day of January shall be deemed subject to the provisions of this section.

This section shall not apply to goods or merchandise consigned to a person for sale at such person's permanent place of business within this state, if such person is required to list such goods or merchandise pursuant to RCW 84.40.185.

Sec. 111. Section 4, chapter 184, Laws of 1967 and RCW 85.15.030 are each amended to read as follows:

To operate under this chapter, the board of commissioners of the improvement district shall cause to be prepared and filed with the board of county commissioners a property roll. The roll shall contain: (1) A description of all properties benefited and improvements thereon which receive protection and service from the systems of the district with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county where in the property is located and (2) the determined value of such land and improvements thereon as last assessed and equalized by the assessor of such county or counties. Such assessed and equalized values shall be deemed prima facie to be just, fair and correct valuations against which annual ~~((millage))~~ taxes shall be levied for the operation of the district and the maintenance and expansion of its facilities.

If property outside of the limits of the original district are upon the roll as adopted ultimately, and the original district has outstanding bonds or long-term warrants, the board of county

commissioners shall set up separate ((millage)) dollar rate levies for the full retirement thereof.

Sec. 112. Section 7, chapter 184, Laws of 1967 and RCW 85.15.060 are each amended to read as follows:

The board of county commissioners may at any time reexamine the properties on any roll, and upon receipt of a petition from the board of supervisors of the district or the written request of a property owner shall do so. If it is found that the condition of such property or properties has changed so that such property should be eliminated from any rolls on file, or the valuation against which ((millage)) dollar rate is levied should be lowered, it shall so determine and enter an order adjusting the valuation as to such properties and shall certify and file a copy thereof with the treasurer of the county wherein the property is situated, and the treasurer shall alter and change the existing rolls accordingly. Valuations may be revised periodically to reflect changes in real property valuations by the county assessor.

Sec. 113. Section 8, chapter 184, Laws of 1967 and RCW 85.15.070 are each amended to read as follows:

The roll approved and certified to the county officers by the board of county commissioners as in this chapter provided shall constitute the valuations of land, buildings and improvements furnished protection and services by the systems of the district against which valuation ((millage)) taxes shall be levied and collected annually in the same manner as general taxes for the continuing operations of the district and its systems. The valuations on said roll shall be subject to adjustment from time to time in the manner provided in RCW 85.15.060.

The board of county commissioners shall hold a hearing on such adjustments at the county seat at the time of equalization of real property assessments for the purpose of considering written objections to any revision of valuations filed at least ten days prior to the hearing and shall give published notice only of such hearing as provided in RCW 85.15.040.

Sec. 114. Section 15, chapter 184, Laws of 1967 and RCW 85.15.140 are each amended to read as follows:

The ((millage)) dollar rate levies collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection and services.

Sec. 115. Section 2, chapter 45, Laws of 1951 and RCW 85.18.010 are each amended to read as follows:

When any diking district has been organized and the

improvements made afford protection to land and buildings within such district against damage or destruction from overflow waters in that the level of the land and of the foundational structures of buildings thereon is below the water level at flood or high tide stages of the waters, fresh or salt, against which such district improvements furnished protection, the board of diking commissioners of such district may, under the procedure established in this chapter, determine such fact and by resolution so declare; and may provide that the cost of continued functioning of the district shall be paid through levies of ((millage)) dollar rates made and collected according to this chapter against the land and buildings thus protected, based upon the determined base benefits received by such land and buildings.

Sec. 116. Section 4, chapter 45, Laws of 1951 and RCW 85.18.030 are each amended to read as follows:

After the roll is prepared the board shall give notice of a time and place at which the board will hold a public hearing to determine whether the facts and conditions heretofore recited in this chapter as a prerequisite to its application do or do not exist, and if so found to exist by said board at said hearing, then the board shall by resolution so declare. The notice shall also state that at said hearing, or any continuance thereof, the board will sit to consider said roll and to determine the continuous base benefits which each of the properties thereon are receiving and will receive from the continued operation and functioning of such district, which shall in no instance exceed ((fifty)) one hundred percent of the true and fair value of such property in money, will consider all objections made thereto or to any part thereof, and will correct, revise, lower, change, or modify such roll as shall appear just and equitable; that when correct benefits are fixed upon said roll by said board, it will adopt said roll by resolution as establishing, until modified as hereinafter provided, the continuous base benefit to said protected lands and buildings against which will be levied and collected ((millage)) dollar rates to provide funds for the continuous functioning of said district.

Sec. 117. Section 9, chapter 45, Laws of 1951 and RCW 85.18.080 are each amended to read as follows:

Until further modified, amended, or changed by an additional or supplemental roll certified to the county auditor after the foregoing procedure is had, the original roll, as modified or supplemented, if the same is done, shall serve as the base of benefits to the land and buildings protected by the improvement system of said district against which ((millage)) dollar rate is levied and collected from time to time for the continued functioning of said diking district.

Sec. 118. Section 16, chapter 45, Laws of 1951 and RCW 85.18.150 are each amended to read as follows:

The ((~~millage~~)) dollar rate levy returns collected from time to time under this chapter are solely assessments for benefits received continuously by the protected properties, calculated in the manner specified in this chapter as a just and equitable way for all protected property to share the expense of such required protection.

Sec. 119. Section 19, chapter 225, Laws of 1909 and RCW 85.24.250 are each amended to read as follows:

Whenever it shall appear to the city council of any incorporated city or town not included or not wholly included within the limits of any diking or drainage district established hereunder, which incorporated city or town may be within a county in which a portion of such district is located that the construction and maintenance of such diking and drainage system will be beneficial to the health of the inhabitants of said incorporated city and to the general welfare of the said city, then the city council of said city is hereby empowered and authorized to appropriate such amount of money out of the general funds of the city as may to the city council seem proper and just to such diking and drainage system, or the city council may for such purpose levy an assessment upon all the property in said city subject to taxation by said city, which shall not exceed ((~~one-half mill for each dollar~~)) twelve and one-half cents per thousand dollars of assessed value of property.

Sec. 120. Section 4, chapter 131, Laws of 1961 and RCW 85.32.030 are each amended to read as follows:

The board may: (1) Make initial determination that the district's facilities furnish benefit to improvements upon land as well as land alone within the district in protecting against and furnishing run-off for surface and/or flood waters; (2) Make initial determination that lands and improvements thereon outside of the territorial limits of the district are receiving a service from the facilities of the district, and are benefited thereby in that waters from such lands through ditches, drains, or other artificial methods, other than by natural flow or seepage, are so cast as to have outlet through the district's facilities; (3) Determine that properties so found to be served should pay a just proportion of the operational and maintenance costs of the district; (4) In connection with so finding, cause a roll of property thus served and benefited by the district's facilities to be prepared and filed with it, and give notice of a hearing thereon as provided in this chapter; (5) Hold public hearings to determine the ultimate facts and approve an ultimate roll of properties served and benefited by the facilities of the district and valuations thereof to serve as a basis against which annual ((~~millage~~)) dollar rate levy may be assessed for continuous

benefits furnished such properties; make revision thereof as the facts warrant from time to time; provide for the levying of such ((millage)) dollar rate levy; and make return of such roll finally adopted by certifying and filing a copy thereof with the auditor, assessor and treasurer of the county wherein the properties involved are located.

Sec. 121. Section 5, chapter 131, Laws of 1961 and RCW 85.32.040 are each amended to read as follows:

In the initial instance, when the board of any district, desires to use the method and procedure provided in this chapter, and in order that uniformity may be had, it may cause a roll of all properties within the district claimed to be benefited by its drainage system, and in addition or as a part thereof, a roll of all properties outside of the territorial limits of said district claimed to be served and benefited by the drainage systems of said district, to be prepared and filed with it. Thereupon, the board shall by resolution declare:

(1) That it has made initial determination that the district's facilities are furnishing and will furnish service and benefit to the properties, including improvements thereon, described in such roll;

(2) That such roll has been filed with it and will remain so filed and open to inspection by any party interested therein at all reasonable times;

(3) That a public hearing will be held by the board at a time and place stated to give consideration to the facts and make ultimate determination of the same and to said roll;

(4) That when said roll is finally adopted, annual ((millage)) dollar rate levies will be made by the district against said properties based upon the valuation thereof as shown on said roll when ultimately adopted to raise money based on benefit and service for the continuous operation and maintenance of said district;

(5) That at the time of hearing, it will hear all objections filed and will review, adopt, modify, or revise said roll consistent with existing facts to the end that property receiving service and benefit from the facilities of the district shall pay justly and equitably therefor in proportion to benefit received and;

(6) That upon said hearing or adjournments thereof, the board will determine the ultimate facts concerning service and benefit received by all properties ultimately contained in said roll and as to such properties it will adopt the roll in final form and proceed as in this chapter provided.

Sec. 122. Section 6, chapter 131, Laws of 1961 and RCW 85.32.050 are each amended to read as follows:

The roll of properties referred to in this chapter shall contain (1) a description of all properties and improvements thereon,

with the name of the owner or the reputed owner thereof and his address as shown on the tax rolls of the assessor or treasurer of the county wherein the property is located, and (2) the determined value of such land and improvements thereon as last assessed and equalized by the taxing agencies of such county. Such assessed and equalized values shall be deemed prima facie as a just, fair and correct base of value for consideration by the board in its determination ultimately of the just and correct base of value in each instance against which annual ((millage)) dollar rates shall be levied by the district for the operation of the district and the expansion and maintenance of its facilities.

If property outside of the territorial limits of the district are upon the roll as adopted ultimately, and the district has prior indebtedness existing, the board shall set up separate ((millage)) dollar rate levies for the retirement thereof until it is extinguished, which levies shall be applied solely against the properties within the territorial limits of the district. Adjustments of the roll shall be made before final adoption in such a manner that the money raised through annual ((millage)) dollar rate levies for maintenance, expansion and operational costs of the district in no instance shall exceed the value of the service rendered or to be rendered and the benefit received and to be received by the property involved.

Sec. 123. Section 7, chapter 131, Laws of 1961 and RCW 85.32.060 are each amended to read as follows:

When the board causes a property roll to be filed with it and a hearing to be held thereon as provided in this chapter, it shall give notice of such hearing in the following manner:

The notice shall be published at least three times in consecutive issues in a weekly newspaper, or once a week for three consecutive weeks in a daily newspaper, published in or near said district, and if there is more than one such paper, then in some paper chosen by the board having general circulation in the area involved. The last publication shall be more than fifteen days prior to date of hearing. The board also shall cause a copy of such notice to be mailed in regular course of the federal mail at least thirty days prior to the date of such hearing to the owner or reputed owner of such property at his address, all as shown on the tax rolls or records of the county taxing agencies of the county wherein the property is situated, such notice being deemed adequate and sufficient. The sworn affidavit of the one doing such mailing shall be deemed conclusive of the fact that such notice was mailed.

Such notice shall state the following:

(1) That the board has tentatively determined that the property of the owner or reputed owner named is receiving and will

receive service and benefit from the facilities of the district;

(2) That the board has caused a tentative roll of such properties with any improvements thereon which are receiving and will receive such service and benefit to be filed with it; and that such roll shows a base of valuation thereon for said properties against which annual ((millage)) dollar rates will be levied and collected in the same manner as general taxes to pay the fair value of the benefit and service received and to be received by such property through use of the facilities of the district, and to pay the annual cost of operation, development and maintenance of the district and its facilities;

(3) That on a date, time and place stated, the board will give consideration to the facts and the roll, will hear all objections filed, will review said roll and alter, modify, or change the same consistent with facts established and with equity and fair dealing concerning the properties involved to the end that just levies will be made for service and benefits received and to be received against each property for the purposes mentioned; and at the hearing or continuance thereof, it will adopt the roll in final form and certify and file a copy thereof with the assessor and treasurer of the county wherein the property is located; and will cause annual millage to be levied against such established valuations for the purposes stated;

(4) That all persons desiring to object to the proceedings, to the proposed base valuations, or to any other thing or matter in connection with the proceedings, must file written objections with the board stating clearly the basis of such objection before the time of the hearing, or all objections will be deemed waived.

Sec. 124. Section 11, chapter 131, Laws of 1961 and RCW 85.32.100 are each amended to read as follows:

The board may at any time reexamine the properties on any roll, and upon request of an owner shall do so, and if it is found that the condition of such property or properties has changed so that justly such property should be eliminated from any rolls on file, or the base against which ((millage)) dollar rate is levied should be lowered, it shall so determine and make a supplemental roll with reference to such property or properties. When adopted by it, the board shall certify and file a copy thereof with the auditor, assessor and treasurer of the county wherein the property is situated, and such officer shall alter and change the existing rolls accordingly.

Sec. 125. Section 12, chapter 131, Laws of 1961 and RCW 85.32.110 are each amended to read as follows:

The roll certified to the county officers as in this chapter provided, and any modification thereof as provided, shall serve as the base of benefits as to land, buildings and improvements furnished

service and benefit by the systems of the district against which valuations ((millage)) dollar rates shall be levied and collected in the same manner as general taxes from time to time for the continuing functioning of the district and its systems. The ((millage)) dollar rate shall be levied in the manner required by law for ((millage)) dollar rate levies by drainage districts.

Sec. 126. Section 13, chapter 131, Laws of 1961 and RCW 85.32.120 are each amended to read as follows:

If any property outside of the territorial limits of the district is placed upon a roll as finally adopted, and at the time such property becomes subject to charge for service and benefit from the district's system, there is an existing outstanding indebtedness owing by the district, the board shall make a separate estimate of the revenue required to be raised to pay or apply upon such indebtedness until it is extinguished, and it shall proceed and certify the same as hereinabove provided, and no ((millage)) dollar rate for raising revenue to extinguish such indebtedness shall be included in the levies made against any properties lying outside of the territorial limits of said district.

When thus levied, the amount of assessment produced thereby shall be added by the general taxing authorities to the general taxes against said lands and collected therewith as a part thereof. If unpaid, any delinquencies in such assessments shall bear interest at the same rate and in the same manner as general taxes and they shall be included in and be made a part of any general tax foreclosure proceedings according to the provisions of law with relation to such foreclosures. As assessment collections are made, the county treasurer shall credit same to the funds of such district.

Sec. 127. Section 22, chapter 131, Laws of 1961 and RCW 85.32.210 are each amended to read as follows:

The ((millage)) dollar rate levy returns collected from time to time under this chapter are solely assessments for benefits received continuously by the benefited properties, calculated in the manner specified in this chapter as a just and equitable way for all benefited property to share the expense of such required service.

Sec. 128. Section 4, chapter 154, Laws of 1967 and RCW 85.36.030 are each amended to read as follows:

For the purpose of proportionately assessing the benefits of any project constructed, maintained, or operated by any diking district or drainage district, benefit assessments proportioned in a direct relationship to the assessed valuation as last equalized for general tax purposes of the lands benefited shall be deemed prima facie to be fair and correct valuations against which annual ((millage)) dollar rates shall be levied.

Sec. 129. Section 1, chapter 66, Laws of 1907 as amended by

section 8, chapter 204, Laws of 1941 and RCW 86.12.010 are each amended to read as follows:

The county commissioners of any county may annually levy a tax, beginning with the year 1907, in such amount as, in their judgment they may deem necessary or advisable, but not to exceed ~~((one mill))~~ twenty-five cents per thousand dollars of assessed value upon all taxable property in such county, for the purpose of creating a fund to be known as "river improvement fund." There is hereby created in each such river improvement fund an account to be known as the "flood control maintenance account."

Sec. 130. Section 1, chapter 54, Laws of 1913 and RCW 86.13.010 are each amended to read as follows:

Wherever and whenever a river is or shall be the boundary line or part of the boundary line between two counties, or it, or its tributaries or outlet or part thereof, flows through parts of two counties, and the waters thereof have in the past been the cause of damage, by inundation or otherwise, to the roads, bridges or other public property situate in or to other public interests of both such counties, or the flow of such waters shall have alternated between the said counties so at one time or times such waters shall have caused damage to one county and at another time or times to the other county, and it shall be deemed by the boards of county commissioners of both counties to be for the public interests of their respective counties that the flow of such waters be definitely confined to a particular channel, situate in whole or in part in either county, in a manner calculated to prevent such alternation or to prevent or lessen damage in the future, it shall be lawful for the two counties, and their boards of county commissioners are hereby empowered, pursuant to resolution, to enter into a contract in writing in the names of the respective counties for the purpose of settling all disputes in relation to any such situation, and providing ways and means for the control and disposition of such waters. Any such contract may provide:

(1) That it shall be operative in perpetuity, or only for a term of years or other measure of time to be specified therein.

(2) The amount of money to be expended by each county during each year of the life of said contract, or such other method of determining the amount of expenditure or dividing the financial burden as may be agreed upon.

(3) That an annual tax shall be levied, at the same time and in the same manner as other county taxes are levied, each year during the life of the contract, by the county commissioners of each county. The annual tax herein provided for need not be levied at the same rate for each county, but shall be at such rate in each county as will produce annually the amount of money for each county as is

required for the fulfillment of the contract on its part: PROVIDED, HOWEVER, That in no event shall any such tax levy by either county exceed ((one mill on the dollar)) twenty-five cents per thousand dollars of assessed value for any one year.

(4) That the general scheme for the improvement of such river shall be as stated in such contract, but by consent of the contracting parties, pursuant to resolution of each board of county commissioners, such scheme may be modified from time to time during the life of the contract. The contract may but need not provide the details of such scheme, but must designate the general purpose to be accomplished. So far as details are not specified in the contract, same shall be for future determination by joint action of the two boards of county commissioners. Any such contract may be subsequently modified or abrogated by mutual consent evidenced by separate resolution of both boards of county commissioners.

Sec. 131. Section 16, chapter 153, Laws of 1961 and RCW 86.15.160 are each amended to read as follows:

For the purposes of this chapter the board may authorize:

(1) A special annual ad valorem levy within any zone or participating zones when authorized by the voters of such zone or participating zones pursuant to the provisions of RCW 84.52.052 and RCW 84.52.054; and

(2) An assessment upon property specially benefited by an improvement made pursuant to the provisions of chapter 86.09; and

(3) Within any zone or participating zones an annual levy of not to exceed ((two mills)) fifty cents per thousand dollars of assessed value when such levy will not take ((millage)) dollar rates which other taxing districts may lawfully claim and which will not cause the combined levies to exceed the ((forty mill)) constitutional and/or statutory limitations, and such additional levy, or any portion thereof, may also be made when ((millage)) dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies.

Sec. 132. Section 8, chapter 226, Laws of 1961 and RCW 87.84.070 are each amended to read as follows:

The directors shall be empowered to specially assess land located in the district for benefits thereto taking as a basis the last equalized assessment for county purposes: PROVIDED, That such assessment shall not exceed ((one mill)) twenty-five cents per thousand dollars of assessed value upon such assessed valuation without securing authorization by vote of the electors of the district at an election called for that purpose.

The board shall give notice of such an election, for the time and in the manner and form provided for irrigation district elections. The manner of conducting and voting at such an election,

opening and closing polls, canvassing the votes, certifying the returns, and declaring the result shall be nearly as practicable the same as in irrigation district elections.

The special assessment provided for herein shall be due and payable at such times 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. 133. The following acts or parts of acts are each hereby repealed:

- (1) Section 7, chapter 152, Laws of 1919 and RCW 17.12.070;
- (2) Section 6, chapter 140, Laws of 1921 and RCW 17.16.120;
- (3) Section 28A.48.110, chapter 223, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1971 ex. sess., section 10, chapter 124, Laws of 1972 ex. sess. and RCW 28A.48.110;
- (4) Section 8, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.061;
- (5) Section 2, chapter 174, Laws of 1965 ex. sess., section 2, chapter 146, Laws of 1967 ex. sess., section 7, chapter 92, Laws of 1970 ex. sess. and RCW 84.54.020; and
- (6) Section 74.04.150, chapter 26, Laws of 1959, section 66, chapter 262, Laws of 1969 ex. sess., section 3, chapter 92, Laws of 1970 ex. sess., section 17, chapter 281, Laws of 1971 ex. sess. and RCW 74.04.150.

NEW SECTION. Sec. 134. There is added to chapter 84.52 RCW a new section to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows: The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; the levy for any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and the levy by or for any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from one dollar and eighty cents to two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes and from one dollar and fifty-seven and one-half cents to two dollars and twenty-five cents

per thousand dollars of assessed value for county road purposes if the total levy for both purposes does not exceed four dollars and five cents per thousand dollars of assessed value: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy two dollars and two and one-half cents per thousand dollars of assessed value until such time as the junior taxing agencies are utilizing all the dollar rates available to them: AND PROVIDED FURTHER, That the total property tax levy authorized by law without a vote of the people shall not exceed nine dollars and fifteen cents per thousand dollars of assessed value. Levies at the rates provided by existing law by or for any port or public utility district shall not be included in the limitation set forth by this proviso.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.

NEW SECTION. Sec. 135. There is added to chapter 84.52 RCW a new section to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 the regular ad valorem tax levies by the taxing districts hereinafter named upon real and personal property shall be as follows: The levy by any county shall not exceed four mills; the levy by or for any school district shall not exceed eight mills; the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half 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.

It is the intent of the legislature that the provisions of this section shall supersede all conflicting provisions of law including section 24, chapter 299, Laws of 1971 ex. sess. and section 8, chapter 124, Laws of 1972 ex. sess.

Sec. 136. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 19, chapter 294, Laws of 1971 ex. sess. and RCW 28A.41.130 are each amended to read as follows:

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~~) section 135 of this 1973 amendatory act) 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 maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

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

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

(6) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber

equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to ((REW 84:52:050)) section 135 of this 1973 amendatory act bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(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.

Sec. 137. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 and RCW 28A.41.130 are each amended to read as follows:

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 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of ((fourteen)) seven mills on the assessed valuation of taxable property within the school district adjusted to ((twenty-five)) fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under ((REW 84:52:650)) section 135 of this 1973 amendatory act as now or hereafter amended 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 receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

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

(5) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to ((REW 84-52-050)) section 135 of this 1973 amendatory act as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Sec. 138. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 and RCW 28A.41.130 are each amended to read as follows:

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 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of ((fourteen)) eight mills on the assessed valuation of taxable property within the school district adjusted to ((twenty-five)) fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under ((REW 84-52-050)) section 135 of this 1973 amendatory act as now or hereafter amended 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 receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

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

(5) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to ((REW 84:52-050)) section 135 of this 1973 amendatory act as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Sec. 139. Section 28A.41.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 and RCW 28A.41.130 are each amended to read as follows:

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 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 pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) ((~~Eighty-five~~)) Ninety percent of the amount of revenues which would be produced by a levy of ((~~fourteen~~)) eight mills on the assessed valuation of taxable property within the school district adjusted to ((~~twenty-five~~)) fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under ((REW 84:52:050)) section 135 of this 1973 amendatory act as now or hereafter amended 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~~)) Ninety percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

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

(5) ((~~Eighty-five~~)) Ninety percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to ((~~REW 84-52-050~~)) section 135 of this 1973 amendatory act as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) ((~~Eighty-five~~)) Ninety percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Sec. 140. Section 28B.20.394, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 107, Laws of 1972 ex. sess. and RCW 28B.20.394 are each amended to read as follows:

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 and the county of King, Washington, to pay to said city and said county such sums as shall be mutually agreed upon for governmental services rendered to said university tract, as defined in RCW 28B.20.390 which sums shall not exceed the amounts that would be received pursuant to limitations imposed by ((~~REW 84-52-050~~)) section 135 of this 1973 amendatory act by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums 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: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded.

Sec. 141. Section 35A.40.090, chapter 119, Laws of 1967 ex. sess. as amended by section 16, chapter 42, Laws of 1970 ex. sess.

and RCW 35A.40.090 are each amended to read as follows:

No code city shall incur an indebtedness exceeding three-fourths of one percent of the value of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed two and one-half percent of the value of the taxable property therein except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the limitations provided in RCW 84.52.050 and section 135 of this 1973 amendatory act relating to levy of taxes within the ((~~forty~~)) twenty mill limit. The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

Sec. 142. Section 1, chapter 25, Laws of 1971 ex. sess. and RCW 36.33.220 are each amended to read as follows:

The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road millage for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and ((~~REW 84-52-050~~)) section 135 of this 1973 amendatory act.

Sec. 143. Section 1, chapter 102, Laws of 1972 ex. sess. and RCW 36.40.300 are each amended to read as follows:

In each year that the state provides financial aid to the counties for a county revaluation program, the county-assumed portion of the costs of such revaluation program including administrative costs, but excluding any costs pertaining to the development of new data processing programs, shall be shared by all local taxing districts within the county authorized to make levies pursuant to RCW 84.52.050 and section 135 of this 1973 amendatory act. Such sharing shall be for those costs incurred during 1972 and 1973 only. For the years 1972 and 1973 during which, such state financial aid is received, the county treasurer shall compute the proportionate amount of the county-assumed portion of the costs of revaluation in direct proportion to the ratio of basic property tax as authorized by RCW 84.52.050 and section 135 of this 1973 amendatory act levied on behalf of each local taxing district each year, and he shall, on December 31 of those years, bill each local taxing district the amount so computed. The treasurer shall collect said bill by deducting said amount from the next year's tax receipts and place the deducted sums in a special fund to be used solely for the expenses and costs of the administration of the revaluation program: PROVIDED, That the sum deducted from the basic millage for common schools shall be excluded and not considered as revenue in the computation of the school equalization formula pursuant to RCW

28A.41.130. A copy of the assessor's portion of the preliminary county budget shall be sent to each local taxing district affected by the provisions of this section at the time such budget is prepared.

This section shall expire on December 31, 1974.

Sec. 144. Section 6, chapter 91, Laws of 1947 as last amended by section 2, chapter 92, Laws of 1970 ex. sess. and RCW 41.16.060 are each amended to read as follows:

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one-half of one mill on all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said millage is not necessary to maintain the actuarial soundness of the fund, the levy of said one-half of one mill may be omitted, or the whole or any part of said millage may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in ((REW 84-52-050)) section 135 of this 1973 amendatory act, as now or hereafter amended, to levy and place in the fund an additional tax of one-half of one mill on all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional one-half of one mill levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional one-half of one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose.

Sec. 145. Section 4, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.230 are each amended to read as follows:

For the purpose of acquiring conservation futures as well as other rights and interests in real property pursuant to RCW 84.34.210 and 84.34.220, a county may levy an amount not to exceed one-eighth of one mill on the assessed valuation of all taxable property within the county, which levy shall be in addition to that authorized by ((REW 84-52-050)) section 135 of this 1973 amendatory act.

Sec. 146. Section 84.52.010, chapter 15, Laws of 1961 as last amended by section 6, chapter 243, Laws of 1971 ex. sess. and RCW 84.52.010 are each amended to read as follows:

All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the

completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively: PROVIDED, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.050 as now or hereafter amended, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law: PROVIDED, That in the event of a levy made pursuant to ((section 5 of this 1971 amendatory act)) RCW 84.34.230, the rates of levy for county, county road district, and school district purposes shall be reduced in such uniform percentages as will result in a consolidated levy by such taxing districts which will be no greater on any property than a consolidated levy by such taxing districts would be if the levy had not been made pursuant to ((section 5 of this 1971 amendatory act)) RCW 84.34.230, and

(2) He shall include for extension on the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of such limitation.

Sec. 147. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 1, chapter 3, Laws of 1973 and RCW 84.52.052 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056 and section 135 of this 1973 amendatory act, shall not prevent the levy of additional taxes((; not in excess of five mills a year and without anticipation of delinquencies in payment of taxes; in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds; outstanding on December 6, 1934; issued by or through the agency of the state; or any county; city; town; or school district; or the levy of additional taxes to pay interest on or toward the redemption; at the rates provided by statute; of the principal of county; city; town; or school district warrants outstanding December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to)) by any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation

district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and section 135 of this 1973 amendatory act, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended, at a special election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the board of county commissioners or other county legislative authority, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess (~~levies~~) levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 148. Section 84.52.056, chapter 15, Laws of 1961 and RCW 84.52.056 are each amended to read as follows:

Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorize the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitations contained in RCW 84.52.050 to 84.52.056, inclusive and section 135 of this 1973 amendatory act. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty

percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any 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 limitations provided for in RCW 84.51.050 to 84.52.056, inclusive and section 135 of this 1973 amendatory act.

Sec. 149. Section 8, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.061 are each amended to read as follows:

Any taxing district, as defined in RCW 84.04.120, authorized by provisions of law other than RCW 84.52.052 to levy taxes in excess of the ~~((forty mill))~~ limitation provided for in Article VII, section 2 of the state Constitution, as amended ~~((by Amendment 47))~~, or in excess of a statutory millage limitation specifically applicable to such district, is hereby authorized to levy taxes in any year in excess of the applicable general limitation contained in RCW 84.52.050, as now or hereafter amended, or in excess of one-half of such specific statutory millage limitation, under the same conditions applicable to a levy by such district in excess of the ~~((forty mill))~~ limitation or in excess of such specific statutory millage limitation.

Sec. 150. Section 9, chapter 92, Laws of 1970 ex. sess. and RCW 84.52.063 are each amended to read as follows:

A rural library district may impose ~~((notwithstanding the millage limitations provided for in RCW 84.52.050 and 84.54.026,))~~ a regular property tax levy in an amount equal to that which would be produced by a levy of ~~((two))~~ one mill ~~((s))~~ multiplied by an assessed valuation equal to ~~((twenty-five))~~ fifty percent of the true and fair value of the taxable property in the rural library district, as determined by the department of revenue's indicated county ratio; PROVIDED, That when any county assessor shall find that the aggregate rate of levy on any property will exceed the limitation set forth in RCW 84.52.050, as now or hereafter amended, before recomputing and establishing a consolidated levy in the manner set forth in RCW 84.52.010, the assessor shall first reduce the levy of any rural library district, by such amount as may be necessary, but the levy of any rural library district shall not be reduced to less than one mill against the value of the taxable property, as determined by the county, prior to any further adjustments pursuant to RCW 84.52.010. For purposes of this section "regular property tax levy" shall mean a levy subject to the ~~((forty mill))~~ one percentum limitation provided for in Article VII, section 2 of the state Constitution.

Sec. 151. Section 23, chapter 288, Laws of 1971 ex. sess. and RCW 84.55.040 are each amended to read as follows:

If by reason of the operation of RCW 84.52.050 and section 135 of this 1973 amendatory act, as now or hereafter amended the statutory millage limitation applicable to the levy by a taxing district has been increased over the statutory millage limitation applicable to such taxing district's levy in the preceding year, the limitation on the dollar amount of a levy provided for in this chapter shall be increased by multiplying the otherwise dollar limitation by a fraction, the numerator of which is the increased millage limitation and the denominator of which is the millage limitation for the prior year.

NEW SECTION. Sec. 152. There is added to chapter 28A.41 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter, allocation of moneys to school districts per enrolled student shall be an amount, not less than ninety-five percent of the amount, excluding special levies, which any such district realized from state and local funds during the immediately preceding school year.

NEW SECTION. Sec. 153. If any provision of this 1973 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. 154. This 1973 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: PROVIDED, That section 9 shall take effect January 1, 1975, and section 133 (3) shall take effect on January 31, 1974: PROVIDED, FURTHER, That section 137 of this 1973 amendatory act shall not be effective until July 1, 1973, at which time section 136 of this 1973 amendatory act shall be void and of no effect: PROVIDED, FURTHER, That section 138 of this 1973 amendatory act shall not be effective until January 1, 1974, at which time section 137 of this 1973 amendatory act shall be void and of no effect: PROVIDED, FURTHER, That section 139 of this 1973 amendatory act shall not be effective until July 1, 1974 at which time section 138 of this 1973 amendatory act shall be void and of no effect, and section 139 shall be null and void and of no further effect on and after January 1, 1975: PROVIDED, FURTHER, That sections 1 through 8, sections 10 through 132, section 133 (1), (2), (4), and (5), and section 134 shall not take effect until January 1, 1974, at which time sections 135, 136, and sections 140 through 152 shall be void and of no effect.

NEW SECTION. Sec. 155. Sections 135 through 152 of this 1973 amendatory act shall apply to tax levies made in 1973 for collection in 1974, and sections 1 through 134 shall apply to tax levies made in 1974 and each year thereafter for collection in 1975 and each year

thereafter.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 25, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 196
[Substitute House Bill NO. 208]
COUNTIES--PROPERTY MANAGEMENT
AUTHORITY

AN ACT Relating to counties; and creating a new section.

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

NEW SECTION. Section 1. Pursuant to public notice and hearing, any county may establish comprehensive procedures for the management of county property consistent with the public interest and counties establishing such procedures shall be exempt from the provisions of chapter 36.34 RCW: PROVIDED, That all counties shall retain all powers now or hereafter granted by chapter 36.34 RCW.

Passed the House March 9, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 197
[Substitute House Bill No. 174]
LEGISLATIVE BUDGET COMMITTEE--
PERFORMANCE AUDIT AUTHORITY--
LEGISLATORS' PER DIEM ALLOWANCE

AN ACT Relating to state government; amending section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 4, chapter 112, Laws of 1967 ex. sess. and RCW 44.04.120; and adding new sections to Title 44 RCW.

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

NEW SECTION. Section 1. The legislative budget committee authority for management surveys contained in RCW 44.28.085 shall include reviews of program goals and objectives of public bodies,

officers or employees to determine conformity with legislative intent and shall include comprehensive performance audits to ensure that agency programs are being conducted in accordance with legislative intent and program goals and objectives.

NEW SECTION. Sec. 2. All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the legislative budget committee, shall be furnished by the agency requested to provide such report.

NEW SECTION. Sec. 3. Sections 1 and 2 are each added to Title 44 RCW.

NEW SECTION. Sec. 4. In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several interims between sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while serving on official legislative business during the interim. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement.

Sec. 5. Section 1, chapter 10, Laws of 1959 ex. sess. as last amended by section 4, chapter 112, Laws of 1967 ex. sess. and RCW 44.04.120 are each amended to read as follows:

Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative council, the legislative budget committee, or any other permanent or interim committee, commission, or council of the legislature 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 legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, ~~((twenty-five))~~ forty dollars per day, plus mileage allowance at the rate of ten cents per mile when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

Passed the House April 15, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 198

[Engrossed Senate Bill No. 2256]

JUVENILE PROBATION SERVICES--ALTERNATIVE
SUBSIDY PROGRAMS--HOUSING AUTHORITIES, GROUP
HOMES OR HALFWAY HOUSES

AN ACT Relating to juvenile probation services; amending section 5, chapter 165, Laws of 1969 ex. sess. as amended by section 1, chapter 165, Laws of 1971 ex. sess. and RCW 13.06.050; adding a new section to chapter 35.82 RCW; and declaring an emergency and making an effective date.

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

Section 1. Section 5, chapter 165, Laws of 1969 ex. sess. as amended by section 1, chapter 165, Laws of 1971 ex. sess. and RCW 13.06.050 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the (~~director~~) secretary: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of program planning and fiscal management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this chapter shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary of social and health services will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: PROVIDED, That *the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

~~((16))~~ (7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

~~((17))~~ (8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer ~~((unless the total number of juveniles placed on probation annually is twenty or fewer in which case the county may receive from the state one-half~~

the salary of a full-time officer)) and related employee benefits.

(c) elect to receive from the state the salary and related employee benefits of one full-time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

((8)) (9) In the event a county chooses one of the alternative proposals in subsection ((7)) (8), it will be eligible for reimbursement only so long as the officer ((devotes all of his time)) and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and ((is)) are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by ((five)) two ((percent)) its own base commitment rate.

((9)) (10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the ((director)) secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit.

NEW SECTION. Sec. 2. There is added to chapter 35.82 RCW a new section to read as follows:

Housing authorities of first class counties created under this chapter may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall

comply with all zoning, building, fire, and health regulations and procedures applicable in the locality. Any facilities in which medical care is given shall comply with federal standards for skilled nursing care facilities and any facilities in which no medical care is given shall comply with federal standards for intermediate care facilities. The authorization contained in this section shall permit such action by housing authorities only during the period from July 1, 1973 through February 15, 1974, unless extended by a subsequent act of the legislature: PROVIDED, That any projects commenced during that period shall continue and shall be valid and the housing authorities may complete, operate, or contract for the operation of such facilities.

NEW SECTION. Sec. 3. This 1973 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 July 1, 1973.

Passed the Senate April 14, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of one item in Section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to one item, Senate Bill No. 2256 entitled:

Veto
Message

"AN ACT Relating to juvenile services."

Section one of this act was requested by the department of social and health services to clarify some of the provisions relating to the juvenile probation subsidy program.

Section two, which was not part of the departmental request, would allow housing authorities to use their funds to establish and operate group homes for juvenile parolees and the developmentally disabled. While this provision is indeed a laudable effort to provide varied settings for rehabilitation and care of juveniles and the handicapped, an item in that section would require that if medical care were provided in the homes, the homes would have to meet standards of a skilled nursing home. Additionally, the item would terminate the authority granted by this section on February 15, 1974.

The language relating to medical care and requiring standards of a skilled nursing home is both inappropriate and irrelevant. "Medical care" could mean a doctor's house call, administration of a shot, or treatment of a sore throat. Obviously, the medical standards required of nursing homes are not necessary to the kind of treatment likely to be given in a group home. Group homes are not and would not be medically oriented nor provided for a medical purpose. Additionally, there seems to be no justifiable purpose to grant this authority in this act and then terminate it on February 15, 1974. If provision of group homes is a worthy idea, which it is, then there is no justification for this language.

Veto
Message

Accordingly, for the reasons set out above, I have determined to veto that item in section two of Senate Bill No. 2256. With that exception, the remainder of the bill is approved."

CHAPTER 199
[Substitute House Bill No. 894]
VOTER REGISTRATION--PRECINCT
COMMITTEEMEN--REGISTRATION AUTHORITY

AN ACT Relating to elections, voting, and voter registration; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; adding a new section to chapter 29.07 RCW; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; and providing for a referendum.

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

NEW SECTION. Section 1. There is added to chapter 29.07 RCW a new section to read as follows:

The purpose of this 1973 amendatory act is to make registration to vote readily available to Washington's citizens and to recognize that voting under the democratic system is a right, not a privilege; that the present voting registration laws serve to effectively defeat this right by making it extremely difficult, and even impossible, for many citizens to vote, particularly the aged, the sick, and the poor who do not normally have easy access to places of registration.

Sec. 2. Section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010 are each amended to read as follows:

In all counties the county auditor shall be the chief registrar of voters for every precinct within the county. He shall appoint a deputy registrar for each precinct or for any number of precincts and shall appoint city or town clerks as deputy registrars to assist in registering voters residing in cities, towns, and rural precincts within the county. In addition, he shall appoint the precinct committeemen elected or appointed pursuant to the provisions of RCW 29.42.050 as deputy registrars to assist in registering voters if the precinct committeemen so request.

A deputy registrar shall be a registered voter and, except for city and town clerks and precinct committeemen, shall hold office at the pleasure of the county auditor.

The county auditor shall be the custodian of the official registration records of each precinct within that county. The expenses of registration shall be apportioned between the county and cities or towns therein in the same manner as provided in RCW 29.07.030.

NEW SECTION. Sec. 3. Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040 are each repealed.

NEW SECTION. Sec. 4. This 1973 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1973, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House April 7, 1973.

Passed the Senate April 15, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 200
[House BILL No. 1108]
PERSONALIZED LICENSE PLATES--
REVENUE--STATE GAME FUND

AN ACT Relating to state government; amending section 77.12.170,

chapter 36, Laws of 1955 as amended by section 33, chapter 199, Laws of 1969 ex. sess. and RCW 77.12.170; adding new sections to chapter 46.16 RCW; adding a new section to chapter 36, Laws of 1955 and to chapter 77.12 RCW; repealing section 4, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.355; and providing for submission of this act to a vote of the people.

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

NEW SECTION. Section 1. There is added to chapter 36, Laws of 1955, and to chapter 77.12 RCW a new section to read as follows:

It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for motor vehicles, the fees for which are to be directed to the state treasury to the credit of the state game fund for the furtherance of the programs, policies, and activities of the state game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to songbirds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington.

NEW SECTION. Sec. 2. There is added to chapter 46.16 RCW a new section to read as follows:

Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle.

NEW SECTION. Sec. 3. There is added to chapter 46.16 RCW a new section to read as follows:

Any person who is the registered owner of a passenger motor vehicle registered with the department or who makes application for an original registration of a passenger motor vehicle or renewal registration of a passenger motor vehicle may, upon payment of the fee prescribed in section 7 of this 1973 amendatory act, apply to the department for personalized license plates, in the manner described in section 6 of this 1973 amendatory act, which plates shall be affixed to the passenger motor vehicle for which registration is sought in lieu of the regular license plates.

NEW SECTION. Sec. 4. There is added to chapter 46.16 RCW a new section to read as follows:

The personalized license plates shall be the same design as regular passenger motor vehicle license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions: PROVIDED, That there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235.

NEW SECTION. Sec. 5. There is added to chapter 46.16 RCW a new section to read as follows:

Personalized license plates shall be issued only to the registered owner of a vehicle on which they are to be displayed.

NEW SECTION. Sec. 6. There is added to chapter 46.16 RCW a new section to read as follows:

An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW.

NEW SECTION. Sec. 7. There is added to chapter 46.16 RCW a new section to read as follows:

In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars.

NEW SECTION. Sec. 8. There is added to chapter 46.16 RCW a new section to read as follows:

Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired passenger motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 9. There is added to chapter 46.16 RCW a new section to read as follows:

When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to section 8 of this 1973 amendatory act, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates.

NEW SECTION. Sec. 10. There is added to chapter 46.16 RCW a new section to read as follows:

The director of motor vehicles may establish such rules and regulations as may be necessary to carry out the purposes of sections 2 through 9 of this 1973 amendatory act.

NEW SECTION. Sec. 11. There is added to chapter 46.16 RCW a new section to read as follows:

All revenue derived from the fees provided for in section 7 of this 1973 amendatory act shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of motor vehicles as a direct result of this 1973 amendatory act shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of motor vehicles are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund.

Sec. 12. Section 77.12.170, chapter 36, Laws of 1955 as amended by section 33, chapter 199, Laws of 1969 ex. sess. and RCW 77.12.170 are each amended to read as follows:

There is established in the state treasury a fund to be known

as the state game fund which shall consist of all moneys received from fees for the sale of licenses and permits provided in this title, from the personalized vehicle license plate fees provided in chapter 46.16 RCW, and from fines, forfeitures, and costs collected for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission relating thereto: PROVIDED, That fifty percent of all fines and bail forfeitures shall not become part of the state game fund and shall be retained by the county in which collected: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All state and county officers receiving any moneys in payment of fees for licenses under this title or from fees for the personalized vehicle license plates provided in chapter 46.16 RCW, or in payment of fines, penalties, or costs imposed for violations of this title, or any other statute for the protection of wild animals and birds and game fish, or any rule or regulation of the commission; from rentals or concessions, and from the sale of real or personal property held for game department purposes, shall pay them into the state treasury to be placed to the credit of the state game fund: PROVIDED, That county officers shall remit only fifty percent of all fines and bail forfeitures: PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

NEW SECTION. Sec. 13. Section 4, chapter 114, Laws of 1971 ex. sess. and RCW 46.16.355 are each hereby repealed.

NEW SECTION. Sec. 14. This 1973 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

Passed the House April 13, 1973.

Passed the Senate April 14, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 201
[Engrossed Senate Bill No. 2311]
STATE TRANSPORTATION AGENCIES--SIX
YEAR COMPREHENSIVE PROGRAM--
BIENNIAL BUDGET

AN ACT Relating to transportation; specifying planning, programing, and budgeting responsibilities; and adding new sections to chapter 44.40 RCW.

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

NEW SECTION. Section 1. Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation and utilities committees, a long range plan of not less than six years and comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period.

NEW SECTION. Sec. 2. Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial plan.

NEW SECTION. Sec. 3. Sections 1 and 2 of this 1973 act shall be added to chapter 44.40 RCW.

Passed the Senate April 11, 1973.

Passed the House April 10, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 202
[Substitute Senate Bill No. 2717]
STATE PATROL--ORGANIZED CRIME
INTELLIGENCE UNIT

AN ACT Relating to a crime intelligence unit; adding new sections to chapter 43.43 RCW; defining crimes; prescribing penalties; and declaring an emergency.

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

NEW SECTION. Section 1. There is hereby created in the Washington state patrol an organized crime intelligence unit which shall be under the direction of the chief of the Washington state patrol.

NEW SECTION. Sec. 2. For the purposes of sections 1 through 8 of this act "organized crime" means those activities which are conducted and carried on by members of an organized, disciplined association, engaged in supplying illegal goods and services and/or engaged in criminal activities in contravention of the laws of this state or of the United States.

NEW SECTION. Sec. 3. The organized crime intelligence unit shall collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities and operations of organized crime and the participants involved therein; coordinate such intelligence data into a centralized system of intelligence information; furnish and exchange pertinent intelligence data with law enforcement agencies and prosecutors with such security and confidentiality as the chief of the Washington state patrol may determine; develop intelligence data concerning the infiltration of organized crime into legitimate businesses within the state of Washington and furnish pertinent intelligence information thereon to law enforcement agencies and prosecutors in affected jurisdictions; and may assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution of organized crime activities upon request.

NEW SECTION. Sec. 4. (1) On and after the effective date of sections 1 through 8 of this act it shall be unlawful for any person to divulge specific investigative information pertaining to activities related to organized crime which he has obtained by reason of public employment with the state of Washington or its political subdivisions unless such person is authorized or required to do so by operation of state or federal law. Any person violating this subsection shall be guilty of a felony.

(2) Except as provided in section 3 of this act, or pursuant to the rules of the supreme court of Washington, all of the information and data collected and processed by the organized crime

intelligence unit shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276).

(3) The chief of the Washington state patrol shall prescribe such standards and procedures relating to the security of the records and files of the organized crime intelligence unit, as he deems to be in the public interest with the advice of the governor and the board.

NEW SECTION. Sec. 5. There is hereby created the organized crime intelligence advisory board of the legislature of the state of Washington. The board shall consist of eight members.

The lieutenant governor shall appoint four members of the senate to the board. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The speaker of the house shall appoint four members of the house to the board. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least twice a year to perform the duties enumerated in section 7 of this act and to discuss any other matters related to organized crime. Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

NEW SECTION. Sec. 6. The term of each member shall be two years and shall be conditioned upon such member retaining membership on the committee on which he was serving at the time of appointment and retaining membership in the same political party of which he was a member at the time of appointment.

NEW SECTION. Sec. 7. The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of the various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related activities in which the organized crime intelligence unit of the Washington state patrol is engaged;

(3) Receive, consider and take appropriate action with respect

to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort in meeting state and national organized crime intelligence needs.

NEW SECTION. Sec. 8. In order to facilitate performance of the board's functions, the chief of the Washington state patrol shall make available to the board all information with respect to organized crime and related matters which the board may require for the purpose of carrying out its responsibilities to the governor in accordance with the provisions of sections 1 through 8 of this act. Such information made available to the board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and shall not be revealed or divulged publicly or privately by members of the board.

NEW SECTION. Sec. 9. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall be added to chapter 43.43 RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 11, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 203

[Senate Bill No. 2833]

SHORELINE MANAGEMENT--RESIDENTIAL DOCKS--
ADMINISTRATIVE PROCEDURE

AN ACT Relating to shoreline management; amending section 3, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.030; amending section 18, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.180; and adding a new section to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW.

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

Section 1. Section 3, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971 or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and

(E) Padilla Bay--from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps,

diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars.

Sec. 2. Section 18, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.180 are each amended to read as follows:

(1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to RCW 90.58.150 may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the

final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of RCW 90.58.140.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. ((The provisions of chapter 43.24B RCW and the regulations adopted pursuant thereto by the pollution control hearings board, insofar as they are not inconsistent with chapter 34.04 RCW, relating to the procedures for the conduct of hearings and judicial review thereof, shall be applicable to all requests for review as provided for in subsections (1) and (2) of this section:)) Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, guidelines, designations, or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance, and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs, and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearings board.

NEW SECTION. Sec. 3. There is added to chapter 286, Laws of 1971 ex. sess. and to chapter 90.58 RCW a new section to read as follows:

The shorelines hearings board may adopt rules and regulations governing the administrative practice and procedure in and before the board.

Passed the Senate April 13, 1973.

Passed the House April 13, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 204

[Engrossed Senate Bill No. 2866]

WINE TAX

AN ACT Relating to revenue and taxation, particularly to the taxation of liquor; amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 9, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.150; amending section 24A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935 as last amended by section 3, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.210; adding a new section to chapter 66.24 RCW; and declaring an emergency.

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

Section 1. Section 82.08.150, chapter 15, Laws of 1961 as last amended by section 9, chapter 299, Laws of 1971 ex. sess. and RCW 82.08.150 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits, ~~((wine;))~~ or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale for resale to the holder of a class C, class F, class H or combined class C and class F license issued by the Washington state liquor control board(~~PROVIDED, That from and after July 1, 1969 the tax upon each retail sale of wine under this subsection (4) shall be at the rate of twenty-six percent of the selling price)~~). The tax imposed in this section shall apply to all sales of spirits, ~~((wine;))~~ or strong beer by the Washington state liquor stores and agencies, including sales to licensees(~~but shall not apply to sales of wine in the unopened bottle by licensees who have paid the tax imposed by this subsection (4) to their vendors on the acquisition of such wine)~~). The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by the Washington state liquor control board stores and agencies of products subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, or strong beer by the Washington state liquor stores and agencies, excluding sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales by

the Washington state liquor control board stores and agencies of products subject to the tax imposed by this paragraph.

(3) There is levied and shall be collected from and after the first day of July, 1971, an additional tax upon each retail sale of spirits in the original package at the rate of four cents per fluid ounce or fraction thereof contained in such original package, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits by the Washington state liquor stores and agencies, including sales to class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph. On or before the twenty-fifth day of each month beginning with the month of July, 1961, the Washington state liquor control board shall remit to the state department of revenue, to be deposited with the state treasurer, all moneys collected by it under this paragraph during the preceding month on sales made and subject to this paragraph. Upon receipt of such moneys the state treasurer shall deposit them in the state general fund and the provisions of RCW 82.08.160 and 82.08.170, and the provisions of chapter 66.08 relating to deposits, apportionment and distribution, shall have no application to the collections under this paragraph.

(4) As used in this section, the terms, "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

Sec. 2. Section 24A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 158, Laws of 1935, as last amended by section 3, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.210 are each amended to read as follows:

There is hereby imposed upon all wines sold to ~~((retail licensees))~~ wine wholesalers and the Washington state liquor control board, within the state a tax of ~~((ten))~~ seventy-five cents per wine gallon: PROVIDED, HOWEVER, That wine sold or shipped in bulk from one ~~((domestic))~~ winery to another ~~((domestic))~~ winery shall not be subject to such gallonage tax. The tax herein provided for may, if so prescribed by the board, be collected by means of stamps to be furnished by the board, or by direct payments based on gallonage ~~((sales))~~ purchased by wine wholesalers. Every person ~~((selling))~~ purchasing wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such forms as may be prescribed by the board ~~((in accordance with RCW 66.24.230))~~, and with such report shall pay the tax due from the ~~((sales))~~ purchases covered by such report unless the same has previously been paid. If this tax be collected by means of stamps, every such person shall procure from the board revenue stamps

representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser. If the tax is not collected by means of stamps, the board may require that every such person shall execute to and file with the board a bond to be approved by the board, in such amount as the board may fix, securing the payment of the tax. If any such person fails to pay the tax when due, the board may forthwith suspend or cancel his license until all taxes are paid.

NEW SECTION. Sec. 3. There is hereby added to chapter 66.24 RCW a new section to read as follows:

There is hereby imposed upon every licensed wine wholesaler who possesses wine for resale upon which the tax has not been paid under section 2 of this 1973 amendatory act, a floor stocks tax of sixty-five cents per wine gallon on wine in his possession or under his control on June 30, 1973. Each such wholesaler shall within twenty days after June 30, 1973, file a report with the Washington State liquor control board in such form as the board may prescribe, showing the wine products on hand July 1, 1973, converted to gallons thereof and the amount of tax due thereon. The tax imposed by this section shall be due and payable within twenty days after July 1, 1973, and thereafter bear interest at the rate of one percent per month.

NEW SECTION. Sec. 4. This 1973 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 the first day of July, 1973.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 205

[Engrossed Senate Bill No. 2153]

COMMUNITY COLLEGES--PROFESSIONAL NEGOTIATIONS

AN ACT Relating to community college districts; amending section 2, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.020; amending section 3, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.030; amending section 5, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.060; amending section 7, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.080; adding a new

section to chapter 196, Laws of 1971 ex. sess. and to chapter 28B.52 RCW; and creating a new section; and declaring an emergency.

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

Section 1. Section 2, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

"Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, (~~division head, or administrator,~~) who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

"Administrator" means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with section 5 of the 1973 amendatory act.

Sec. 2. Section 3, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district (~~or a committee thereof~~) or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district 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.

V It is further determined that any agreement involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member. And unless other arrangements are

agreed upon between the labor organization and the employee, such employee must pay an amount of money equivalent to regular dues and initiation fees and assessments, if any, to a nonreligious charity or to another charitable organization mutually agreed upon by the employee affected and the representative of the labor organization to which such employee would otherwise pay dues. The employee shall furnish written proof that this has been done. If the employee and representative of the labor organization do not reach agreement on the matter, the board shall designate such organization.

Sec. 3. Section 5, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.060 are each amended to read as follows:

In addition to the authority to convene an impasse committee, the director of the state system of community colleges is authorized to conduct fact-finding and mediation activities upon the consent of both parties as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, with the concurrence of the director, request the assistance and advice of a committee ((composed of educators and community college district trustees)) appointed by the director ((of the state system of community colleges)). This committee ((shall)) may make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of trustees or the employee organization.

The state board for community college education is authorized to make rules governing the operations of impasse committees.

NEW SECTION. Sec. 4. There is added to chapter 196, Laws of 1971 ex. sess. and to chapter 28B.52 RCW a new section to read as follows:

At the conclusion of any negotiation processes as provided for in section 2 of this 1973 amendatory act, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. The length of terms within any such agreement shall be for not more than three fiscal years. These agreements will not be binding upon future actions of the legislature.

Sec. 5. Section 7, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.080 are each amended to read as follows:

Boards of trustees of community college districts shall adopt

reasonable rules and regulations for the administration of employer-employee relations under this chapter. The boards may request the services of the department of labor and industries to assist in the conduction of certification elections as provided for in section 2 of this 1973 amendatory act.

NEW SECTION. Sec. 6. There is added to chapter 196, Laws of 1971 ex. sess. and chapter 28B.52 RCW a new section to read as follows:

Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 as now or hereafter amended be construed as limiting or precluding the exercise by each community college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement.

NEW SECTION. Sec. 7. If any provision of this 1973 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 8. This 1973 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 March 27, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 26, 1973, with the exception of an item in section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to one item, Engrossed Senate Bill No. 2153, entitled:

Veto
Message

"AN ACT Relating to community college districts."

Senate Bill No. 2153 amends the Community College Professional Negotiations Act and it represents the extensive efforts of the Joint Committee on Higher Education in conjunction with faculty organizations and administrators to develop needed procedural amendments to that act. This is desirable legislation which I fully support.

A floor amendment to section 2 of the bill was added ^{Veto} _{Message} in the Senate which provides that:

"It is further determined that any agreement involving union security including an all-union agreement or agency agreement must safeguard the rights of nonassociation of employees, based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member."

This amendment then provides that such an employee must pay an amount of money equivalent to regular dues and initiation fees and assessments, if any, to a charitable organization.

The floor amendment added in the Senate is relatively standard language inserted where legislation authorizes an agency or union shop provision. However, Chapter 28B.52 RCW, of which this section will become a part, does not specifically authorize an agency or union shop. In fact, a section contained in that Chapter specifically states that there shall be no discrimination against academic employees or applicants for such positions because of their membership or non-membership in employee organizations.

The addition of this paragraph in section 2 could be interpreted as enlarging the scope of negotiations by allowing academic employees to negotiate an agency or union shop clause in collective bargaining agreements. I do not believe such a consequence should be allowed to occur as a result of an inference from language intended for an entirely different purpose.

If an agency or union shop clause could be negotiated under current law this language assuring religious freedom would be highly desirable. But, since there is not currently legal authorization for an agency or union shop, I have determined to veto the item contained within lines 20 through 33 of page 2 of Engrossed Senate Bill No. 2153.

With the exception of that item, the remainder of the bill is approved."

CHAPTER 206
[Reengrossed Senate Bill No. 2183]
ELECTRICIANS--REGULATION
AND LICENSING

AN ACT Relating to business and professions; adding a new chapter to Title 18 RCW; prescribing penalties; and creating a new section.

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

NEW SECTION. Section 1. Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meaning:

(1) "Advisory board" means the state advisory board of electricians;

(2) "Apprentice electrician" means any person engaged in learning the trade of electrical and who, under the supervision of a journeyman electrician, performs the actual work necessary to assemble, construct, install, repair, or modify electrical installations;

(3) "Department" means the department of labor and industries;

(4) "Director" means director of department of labor and industries;

(5) "Journeyman electrician" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter for the installation of electrical equipment for light, heat, or power.

NEW SECTION. Sec. 2. (1) No person shall engage in the business or trade as a journeyman electrician without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) No person shall engage in the business or trade as an electrical apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.

(3) The business or trade of electrician, as herein used, shall encompass all acts involving installation or maintenance of the distribution of electricity, except as is hereinafter specifically excluded.

NEW SECTION. Sec. 3. Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the electrical trade so as to qualify him to make an application for a certificate of competency as a journeyman electrician: PROVIDED, That successful completion of a course of

study in the electrical trade as defined by this 1973 act in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency: PROVIDED FURTHER, That completion of such a course of study shall be substitutable for the practical experience required by section 4 of this 1973 act only according to the duration of the course.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department.

NEW SECTION. Sec. 4. Upon receipt of the application and evidence set forth in section 3 of this act, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked as an apprentice electrician, as defined in section 1 of this 1973 act, for four years, or have satisfactorily attended for up to a maximum of two years and successfully completed an accredited vocational or technical school program related to the electrical trade or shall furnish written evidence that he has had at least four years practical experience in the wiring for the installation of electrical equipment of light, heat, and power. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of electricians as established in section 10 of this 1973 act. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same.

NEW SECTION. Sec. 5. The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the administrative rules and regulations of the department pertaining to electrical installations and electricians.

The department shall administer at least twice annually the examination to persons eligible to take the same under the provisions

of section 4 of this 1973 act. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper.

NEW SECTION. Sec. 6. The department shall issue a certificate of competency to all applicants who have passed the examination provided in section 5 of this 1973 act, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded pursuant to the provisions of RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of electrical installation as a journeyman electrician in accordance with its provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license or permit or fee to engage in such work.

NEW SECTION. Sec. 7. No examination shall be required of any applicant for a certificate of competency who, on the effective date of this 1973 act, was engaged in a bona fide business or trade as a journeyman electrician in the state of Washington. Applicants qualifying under this section shall be issued a certificate by the department upon making an application as provided in section 3 of this 1973 act and paying the fee required under section 5 of this 1973 act: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by section 3 of this 1973 act.

NEW SECTION. Sec. 8. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of electrical installation as a journeyman during the period of time between filing of an application for a certificate as provided in section 3 of this 1973 act and taking the examination provided for in section 5 of this 1973 act:

PROVIDED, That the department is authorized to enter into reciprocal agreements with other states' providing for the acceptance of such states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this act: AND PROVIDED FURTHER, That no temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under section 3 of this 1973 act;

(3) To any apprentice electrician.

NEW SECTION. Sec. 9. (1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to carry on the business and trade of electrical installations as a journeyman electrician;

(c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

NEW SECTION. Sec. 10. (1) There is created a state advisory board of electricians, to be composed of three members appointed by the governor. One member shall be a journeyman electrician, one member shall be a person conducting an electrical installation business, and one member from the general public who is familiar with the business and trade of electrical installations.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant. This shall not be construed

to mean the governor cannot reappoint a member.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive compensation and expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which such member is actually engaged in attendance upon the meetings of the advisory board.

NEW SECTION. Sec. 11. (1) Every apprentice shall register with the department.

(2) The department shall issue to such apprentice, upon such form and under such terms as the director and the advisory board shall by agreement deem proper, an apprentice permit to work in the business and trade of electrical installations as an apprentice: PROVIDED, That such work shall be done under the supervision of a journeyman electrician.

NEW SECTION. Sec. 12. All moneys received from certificates, permits, or other sources, shall be paid to the state general fund.

NEW SECTION. Sec. 13. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this chapter: PROVIDED, That in the administration of this act the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry.

NEW SECTION. Sec. 14. Nothing in this chapter shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of electrical installation: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, radio or television stations; nor to any electrical public utility or its employees, in the installations and maintenance of electrical wiring, circuits, apparatus, and equipment by or for such public utility, or comprising a part of its plants, lines or systems. The licensing provisions of this act shall not apply to persons

making electrical installations on their own property or to regularly employed employees working on the premises of their employer: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such electrical installation hold themselves out as engaged in the trade or business of electrical installations.

NEW SECTION. Sec. 15. Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense.

NEW SECTION. Sec. 16. Sections 1 through 15 of this 1973 act are added as a new chapter to Title 18 RCW.

NEW SECTION. Sec. 17. This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect.

Passed the Senate April 13, 1973.

Passed the House April 12, 1973.

Approved by the Governor April 26, 1973, with the exception of Section 17 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to one item, Senate Bill No. 2183 entitled:

Veto
Message

"AN ACT Relating to business and professions."

This act will provide a system of certification of electricians and their apprentices at the state level, administered by the department of labor and industries. Section 17 of this act provides that it will not take effect until funds have been appropriated to implement its provisions. However, section 17 further provides that should the Governor veto section 17, or any item in section 17, then none of the provisions of the bill will take effect.

The language in section 17, prohibiting the act from taking effect if section 17 is vetoed, is patently unconstitutional and irrelevant. If given weight, such a

provision would have the effect of prohibiting the use of the veto power wherever such language appeared. The veto power of the Governor is based in, and authorized by, the State Constitution. To suggest that this language, adopted by a majority vote, could prohibit the exercise of a constitutionally granted power is to suggest that the legislature can amend the Constitution by a majority vote, rather than two-thirds vote, and without referring such amendment to the people. Inasmuch as section 17 is so clearly unconstitutional, and as such is superfluous and constitutes only extra verbiage, I have determined to veto it.

Veto
Message

With the exception of section 17, which I have vetoed for the reasons set out above, the remainder of Senate Bill No. 2183 is approved."

CHAPTER 207

[Engrossed Substitute Senate Bill No. 2226]

RESIDENTIAL LANDLORD-TENANT

ACT OF 1973

AN ACT Relating to the lease and rental of property; creating a new chapter in Title 59 RCW; and creating new sections.

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

NEW SECTION. Section 1. Sections 1 through 42 and 46 of this 1973 amendatory act shall be known and may be cited as the "Residential Landlord-Tenant Act of 1973", and shall constitute a new chapter in Title 59 RCW.

NEW SECTION. Sec. 2. Every duty under this chapter and every act which must be performed as a condition precedent to the exercise of a right or remedy under this chapter imposes an obligation of good faith in its performance or enforcement.

NEW SECTION. Sec. 3. As used in this chapter:

(1) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

(2) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

(3) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(4) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(5) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(6) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(7) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(8) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(9) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

NEW SECTION. Sec. 4. The following living arrangements are not intended to be governed by the provisions of this chapter, unless established primarily to avoid its application, in which event the provisions of this chapter shall control:

(1) Residence at an institution, whether public or private, where residence is merely incidental to detention or the provision of medical, religious, educational, recreational, or similar services, including but not limited to correctional facilities, licensed nursing homes, monasteries and convents, and hospitals;

(2) Occupancy under a bona fide earnest money agreement to purchase, bona fide option to purchase, or contract of sale of the

dwelling unit or the property of which it is a part, where the tenant is, or stands in the place of, the purchaser;

(3) Residence in a hotel, motel, or other transient lodging whose operation is defined in RCW 19.48.010;

(4) Rental agreements entered into pursuant to the provisions of chapter 47.12 RCW where occupancy is by an owner-condemnee and where such agreement does not violate the public policy of this state of ensuring decent, safe, and sanitary housing and is so certified by the consumer protection division of the attorney general's office;

(5) Rental agreements for the use of any single family residence which are incidental to leases or rentals entered into in connection with a lease of land to be used primarily for agricultural purposes;

(6) Rental agreements providing housing for seasonal agricultural employees while provided in conjunction with such employment;

(7) Rental agreements with the state of Washington, department of natural resources, on public lands governed by Title 79 RCW;

(8) Occupancy by an employee of a landlord whose right to occupy is conditioned upon employment in or about the premises.

NEW SECTION. Sec. 5. The district or superior courts of this state may exercise jurisdiction over any landlord or tenant with respect to any conduct in this state governed by this chapter or with respect to any claim arising from a transaction subject to this chapter within the respective jurisdictions of the district or superior courts as provided in Article IV, section 6 of the constitution of the state of Washington.

NEW SECTION. Sec. 6. The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition substantially endangers or V- [impairs the health or safety of the tenant];

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of

the tenancy and, except in the case of a single family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(11) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent.

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section.

NEW SECTION. Sec. 7. If at any time during the tenancy the landlord fails to carry out the duties required by section 6 of this 1973 amendatory act, the tenant may, in addition to pursuit of

remedies otherwise provided him by law, deliver written notice to the person designated in subsection (11) of section 6 of this 1973 amendatory act, or to the person who collects the rent, which notice shall specify the premises involved, the name of the owner, if known, and the nature of the defective condition. For the purposes of this chapter, a reasonable time for the landlord to commence remedial action after receipt of such notice by the tenant shall be, except where circumstances are beyond the landlord's control;

(1) Not more than twenty-four hours, where the defective condition deprives the tenant of water or heat or is imminently hazardous to life;

(2) Not more than forty-eight hours, where the landlord fails to provide hot water or electricity;

(3) Subject to the provisions of subsections (1) and (2) of this section, not more than seven days in the case of a repair under section 10 (3) of this 1973 amendatory act;

(4) Not more than thirty days in all other cases.

In each instance the burden shall be on the landlord to see that remedial work under this section is completed with reasonable promptness.

V- [Where circumstances beyond the landlord's control, including the availability of financing, prevent him from complying with the time limitations set forth in this section, he shall endeavor to remedy the defective condition with all reasonable speed.

NEW SECTION. Sec. 8. The tenant shall be current in the payment of rent [including all utilities which the tenant has agreed

V- [in the rental agreement to pay] before exercising any of the remedies accorded him under the provisions of this chapter: PROVIDED, That this section shall not be construed as limiting the tenant's civil remedies for negligent or intentional damages: PROVIDED FURTHER, That this section shall not be construed as limiting the tenant's right in an unlawful detainer proceeding to raise the defense that there is no rent due and owing.

NEW SECTION. Sec. 9. If, after receipt of written notice, and expiration of the applicable period of time, as provided in section 7 of this 1973 amendatory act, the landlord fails to remedy the defective condition within a reasonable time the tenant may:

(1) Terminate the rental agreement and quit the premises upon written notice to the landlord without further obligation under the rental agreement, in which case he shall be discharged from payment of rent for any period following the quitting date, and shall be entitled to a pro rata refund of any prepaid rent, and shall receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with section 28 of this 1973 amendatory act;

(2) Bring an action in an appropriate court, or at arbitration if so agreed, for any remedy provided under this chapter or otherwise provided by law; or

(3) Pursue other remedies available under this chapter.

NEW SECTION. Sec. 10. (1) If at any time during the tenancy, the landlord fails to carry out any of the duties imposed by section 6 of this 1973 amendatory act, and notice of the defect is given to the landlord pursuant to section 7 of this 1973 amendatory act, the tenant may submit to the landlord or his designated agent by certified mail or in person at least two bids to perform the repairs necessary to correct the defective condition from licensed or registered persons, or if no licensing or registration requirement applies to the type of work to be performed, from responsible persons capable of performing such repairs. Such bids may be submitted to the landlord at the same time as notice is given pursuant to section 7 of this 1973 amendatory act: PROVIDED, That the remedy provided in this section shall not be available for a landlord's failure to carry out the duties in subsections (6), (9), and (11) of section 6 of this 1973 amendatory act.

(2) If the landlord fails to commence repair of the defective condition within a reasonable time after receipt of notice from the tenant, the tenant may contract with the person submitting the lowest bid to make the repair, and upon the completion of the repair and an opportunity for inspection by the landlord or his designated agent, the tenant may deduct the cost of repair from the rent in an amount not to exceed the sum expressed in dollars representing one month's rental of the tenant's unit in any twelve-month period: PROVIDED, That when the landlord must commence to remedy the defective condition within thirty days as provided in subsection (4) of section 7 of this 1973 amendatory act, the tenant cannot contract for repairs for at least fifteen days following receipt of said bids by the landlord: PROVIDED FURTHER, That the total costs of repairs deducted in any twelve-month period under this subsection shall not exceed the sum expressed in dollars representing one month's rental of the tenant's unit.

(3) If the landlord fails to carry out the duties imposed by section 6 of this 1973 amendatory act within a reasonable time, and if the cost of repair does not exceed one-half month's rent, including the cost of materials and labor, which shall be computed at the prevailing rate in the community for the performance of such work, and if repair of the condition need not by law be performed only by licensed or registered persons, the tenant may repair the defective condition in a workmanlike manner and upon completion of the repair and an opportunity for inspection, the tenant may deduct the cost of repair from the rent: PROVIDED, That repairs under this

subsection are limited to defects within the leased premises: PROVIDED FURTHER, That the total costs of repairs deducted in any twelve-month period under this subsection shall not exceed one-half month's rent of the unit or seventy-five dollars in any twelve-month period, whichever is the lesser.

(4) The provisions of this section shall not:

(a) Create a relationship of employer and employee between landlord and tenant; or

(b) Create liability under the workmen's compensation act; or

(c) Constitute the tenant as an agent of the landlord for the purposes of RCW 60.04.010 and 60.04.040.

(5) Any repair work performed under the provisions of this section shall comply with the requirements imposed by any applicable code, statute, ordinance, or regulation. A landlord whose property is damaged because of repairs performed in a negligent manner may recover the actual damages in an action against the tenant.

(6) Nothing in this section shall prevent the tenant from agreeing with the landlord to undertake the repairs himself in return for cash payment or a reasonable reduction in rent, the agreement thereof to be agreed upon between the parties, and such agreement does not alter the landlord's obligations under this chapter.

NEW SECTION. Sec. 11. (1) If a court or an arbitrator determines that:

(a) A landlord has failed to carry out a duty or duties imposed by section 6 of this 1973 amendatory act; and

(b) A reasonable time has passed for the landlord to remedy the defective condition following notice to the landlord in accordance with section 7 of this 1973 amendatory act or such other time as may be allotted by the court or arbitrator; the court or arbitrator may determine the diminution in rental value of the premises due to the defective condition and shall render judgment against the landlord for the rent paid in excess of such diminished rental value from the time of notice of such defect to the time of decision and any costs of repair done pursuant to section 10 of this 1973 amendatory act for which no deduction has been previously made. Such decisions may be enforced as other judgments at law and shall be available to the tenant as a set-off against any existing or subsequent claims of the landlord.

The court or arbitrator may also authorize the tenant to make or contract to make further corrective repairs: PROVIDED, That the court specifies a time period in which the landlord may make such repairs before the tenant may commence or contract for such repairs:

PROVIDED FURTHER, That such repairs shall not exceed the sum expressed in dollars representing one month's rental of the tenant's unit in any one calendar year.

V

(2) The tenant shall not be obligated to pay rent in excess of the diminished rental value of the premises until such defect or defects are corrected by the landlord or until the court or arbitrator determines otherwise.

NEW SECTION. Sec. 12. If a court or arbitrator determines a defective condition as described in section 6 of this 1973 amendatory act to be so substantial that it is unfeasible for the landlord to remedy the defect within the time allotted by section 7 of this 1973 amendatory act, and that the tenant should not remain in the dwelling unit in its defective condition, the court or arbitrator may authorize the termination of the tenancy: PROVIDED, That the court or arbitrator shall set a reasonable time for the tenant to vacate the premises.

NEW SECTION. Sec. 13. Each tenant shall pay the rental amount at such times and in such amounts as provided for in the rental agreement or as otherwise provided by law and comply with all obligations imposed upon tenants by applicable provisions of all municipal, county, and state codes, statutes, ordinances, and regulations, and in addition shall:

(1) Keep that part of the premises which he occupies and uses as clean and sanitary as the conditions of the premises permit;

(2) Properly dispose from his dwelling unit all rubbish, garbage, and other organic or flammable waste, in a clean and sanitary manner at reasonable and regular intervals, and assume all costs of extermination and fumigation for infestation caused by the tenant;

(3) Properly use and operate all electrical, gas, heating, plumbing and other fixtures and appliances supplied by the landlord;

(4) Not intentionally or negligently destroy, deface, damage, impair, or remove any part of the structure or dwelling, with the appurtenances thereto, including the facilities, equipment, furniture, furnishings, and appliances, or permit any member of his family, invitee, licensee, or any person acting under his control to do so;

(5) Not permit a nuisance or common waste; and

(6) Upon termination and vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by failure of the landlord to comply with his obligations under this chapter: PROVIDED, That the tenant shall not be charged for normal cleaning if he has paid a nonrefundable cleaning fee.

NEW SECTION. Sec. 14. The tenant shall conform to all reasonable obligations or restrictions, whether denominated by the landlord as rules, rental agreement, rent, or otherwise, concerning the use, occupation, and maintenance of his dwelling unit,

appurtenances thereto, and the property of which the dwelling unit is a part if such obligations and restrictions are not in violation of any of the terms of this chapter and are not otherwise contrary to law, and if such obligations and restrictions are brought to the attention of the tenant at the time of his initial occupancy of the dwelling unit and thus become part of the rental agreement. Except for termination of tenancy, after thirty days written notice to each tenant, a new rule of tenancy may become effective upon completion of the term of the rental agreement or sooner upon mutual consent.

NEW SECTION. Sec. 15. (1) The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.

(2) The landlord may enter the dwelling unit without consent of the tenant in case of emergency or abandonment.

(3) The landlord shall not abuse the right of access or use it to harass the tenant. Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his intent to enter and shall enter only at reasonable times.

(4) The landlord has no other right of access except by court order, arbitrator or by consent of the tenant.

NEW SECTION. Sec. 16. If, after receipt of written notice, as provided in section 17 of this 1973 amendatory act, the tenant fails to remedy the defective condition within a reasonable time, the landlord may:

(1) Bring an action in an appropriate court, or at arbitration if so agreed for any remedy provided under this chapter or otherwise provided by law; or

(2) Pursue other remedies available under this chapter.

NEW SECTION. Sec. 17. If at any time during the tenancy the tenant fails to carry out the duties required by sections 13 or 14 of this 1973 amendatory act, the landlord may, in addition to pursuit of remedies otherwise provided by law, give written notice to the tenant of said failure, which notice shall specify the nature of the failure.

NEW SECTION. Sec. 18. If the tenant fails to comply with any portion of sections 13 or 14 of this 1973 amendatory act, and such noncompliance can substantially affect the health and safety of the tenant or other tenants, or substantially increase the hazards of fire or accident that can be remedied by repair, replacement of a damaged item, or cleaning, the tenant shall comply within thirty days after written notice by the landlord specifying the noncompliance,

or, in the case of emergency as promptly as conditions require. If the tenant fails to remedy the noncompliance within that period the landlord may enter the dwelling unit and cause the work to be done and submit an itemized bill of the actual and reasonable cost of repair, to be payable on the next date when periodic rent is due, or on terms mutually agreed to by the landlord and tenant, or immediately if the rental agreement has terminated. Any substantial noncompliance by the tenant of sections 13 and 14 of this 1973 amendatory act shall constitute a ground for commencing an action in unlawful detainer in accordance with the provisions of chapter 59.12 RCW, and a landlord may commence such action at any time after written notice pursuant to such chapter. The tenant shall have a defense to an unlawful detainer action filed solely on this ground if it is determined at the hearing authorized under the provisions of chapter 59.12 RCW that the tenant is in substantial compliance with the provisions of this section, or if the tenant remedies the noncomplying condition within the thirty day period provided for above or any shorter period determined at the hearing to have been required because of an emergency: PROVIDED, That if the defective condition is remedied after the commencement of an unlawful detainer action, the tenant may be liable to the landlord for statutory costs and reasonable attorney's fees.

NEW SECTION. Sec. 19. Whenever the landlord learns of a breach of section 13 of this 1973 amendatory act or has accepted performance by the tenant which is at variance with the terms of the rental agreement or rules enforceable after the commencement of the tenancy, he may immediately give notice to the tenant to remedy the nonconformance. Said notice shall expire after sixty days unless the landlord pursues any remedy under this act. V

NEW SECTION. Sec. 20. When premises are rented for an indefinite time, with monthly or other periodic rent reserved, such tenancy shall be construed to be a tenancy from month to month, or from period to period on which rent is payable, and shall be terminated by written notice of twenty days or more, preceding the end of any of said months or periods, given by either party to the other.

NEW SECTION. Sec. 21. Tenancies from year to year are hereby abolished except when the same are created by express written contract. Leases may be in writing or print, or partly in writing and partly in print, and shall be legal and valid for any term or period not exceeding one year, without acknowledgment, witnesses or seals.

NEW SECTION. Sec. 22. In all cases where premises are rented for a specified time, by express or implied contract, the tenancy shall be deemed terminated at the end of such specified time.

NEW SECTION. Sec. 23. (1) Any provision of a lease or other agreement, whether oral or written, whereby any section or subsection of this chapter is waived except as provided in section 36 of this 1973 amendatory act and shall be deemed against public policy and shall be unenforceable. Such unenforceability shall not affect other provisions of the agreement which can be given effect without them.

(2) No rental agreement may provide that the tenant:

(a) Agrees to waive or to forego rights or remedies under this chapter; or

(b) Authorizes any person to confess judgment on a claim arising out of the rental agreement; or

(c) Agrees to pay the landlord's attorney's fees, except as authorized in this chapter; or

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith; or

(e) And landlord have agreed to a particular arbitrator at the time the rental agreement is entered into.

(3) A provision prohibited by subsection (2) of this section included in a rental agreement is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by him to be prohibited, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

(4) The common law right of the landlord of distress for rent is hereby abolished for property covered by this chapter. Any provision in a rental agreement creating a lien upon the personal property of the tenant or authorizing a distress for rent is null and void and of no force and effect. Any landlord who takes or detains the personal property of a tenant

V [without the specific consent of the
tenant to such incident of taking or detention], unless the property
has been abandoned as described in section 31 of this 1973 amendatory
act, and who, after written demand by the tenant for the return of
V [his personal property, refuses or neglects to return the same
promptly] shall be liable to the tenant for the value of the property
retained, and the prevailing party may recover his costs of suit and
a reasonable attorney's fee.

In any action, including actions pursuant to chapters 7.64 or 12.28 RCW, brought by a tenant or other person to recover possession of his personal property taken or detained by a landlord in violation of this section, the court, upon motion and after notice to the opposing parties, may waive or reduce any bond requirements where it appears to be to the satisfaction of the court that the moving party is proceeding in good faith and has, prima facie, a meritorious claim for immediate delivery or redelivery of said property.

NEW SECTION. Sec. 24. So long as the tenant is in compliance

with this chapter, the landlord shall not take or threaten to take reprisals or retaliatory action against the tenant because of any good faith and lawful:

(1) Complaints or reports by the tenant to a governmental authority concerning the failure of the landlord to substantially comply with any code, statute, ordinance, or regulation governing the maintenance or operation of the premises, if such condition may endanger or impair the health or safety of the tenant;

(2) Assertions or enforcement by the tenant of his rights and remedies under this chapter.

"Reprisal or retaliatory action" shall mean and include but not be limited to any of the following actions by the landlord when such actions are intended primarily to retaliate against a tenant because of the tenant's good faith and lawful act:

(1) Eviction of the tenant other than giving a notice to terminate tenancy as provided in section 20 of this 1973 amendatory act;

(2) Increasing the rent required of the tenant;

(3) Reduction of services to the tenant;

(4) Increasing the obligations of the tenant.

NEW SECTION. Sec. 25. Initiation by the landlord of any action listed in section 24 of this 1973 amendatory act within ninety days after a good faith and lawful act by the tenant as enumerated in section 24 of this 1973 amendatory act, or within ninety days after any inspection or proceeding of a governmental agency resulting from such act, shall create a rebuttable presumption affecting the burden of proof, that the action is a reprisal or retaliatory action against the tenant: PROVIDED, That if the court finds that the tenant made a

complaint or report to a governmental authority within ninety days after notice of a proposed increase in rent or other action in good faith by the landlord, there is a rebuttable presumption that the complaint or report was not made in good faith: PROVIDED FURTHER,

That no presumption against the landlord shall arise under this section, with respect to an increase in rent, if the landlord, in a notice to the tenant of increase in rent, specifies reasonable grounds for said increase, which grounds may include a substantial increase in market value due to remedial action under this chapter: PROVIDED FURTHER, That the presumption of retaliation, with respect to an eviction, may be rebutted by evidence that it is not practical to make necessary repairs while the tenant remains in occupancy. In any action or eviction proceeding where the tenant prevails upon his claim or defense that the landlord has violated this section, the tenant shall be entitled to recover his costs of suit or arbitration, including a reasonable attorney's fee, and where the landlord prevails upon his claim he shall be entitled to recover his costs of

suit or arbitration, including a reasonable attorney's fee: PROVIDED FURTHER, That neither party may recover attorney's fees to the extent that their legal services are provided at no cost to them.

NEW SECTION. Sec. 26. If any moneys are paid to the landlord by the tenant as a deposit or as security for performance of the tenant's obligations in a lease or rental agreement, such lease or rental agreement shall include the terms and conditions under which the deposit or portion thereof may be withheld by the landlord upon termination of the lease or rental agreement. If all or part of the deposit may be withheld to indemnify the landlord for damages to the premises for which the tenant is responsible, or if all or part thereof may be retained by the landlord as a non-returnable cleaning fee, the rental agreement shall so specify. No such deposit shall be withheld on account of normal wear and tear resulting from ordinary use of the premises.

NEW SECTION. Sec. 27. All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled.

NEW SECTION. Sec. 28. Within fourteen days after the termination of the rental agreement and vacation of the premises the landlord shall give a full and specific statement of the basis for retaining any of the deposit together with the payment of any refund due the tenant under the terms and conditions of the rental agreement. No portion of any deposit shall be withheld on account of wear resulting from ordinary use of the premises.

The notice shall be delivered to the tenant personally or by mail to his last known address. If the landlord fails to give such statement together with any refund due the tenant within the time limits specified above he shall be liable to the tenant for the amount of refund due. In any action brought by the tenant to recover the deposit, the prevailing party shall additionally be entitled to the cost of suit or arbitration including a reasonable attorney's fee.

Nothing in this chapter shall preclude the landlord from proceeding against, and the landlord shall have the right to proceed against a tenant to recover sums exceeding the amount of the tenant's

damage or security deposit for damage to the property for which the tenant is responsible together with reasonable attorney's fees.

NEW SECTION. Sec. 29. (1) It shall be unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorney's fees.

(2) It shall be unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him, and the prevailing party may recover his costs of suit or arbitration and reasonable attorney's fees.

NEW SECTION. Sec. 30. It shall be unlawful for a landlord to intentionally cause termination of any of his tenant's utility services, including water, heat, electricity, or gas, except for an interruption of utility services for a reasonable time in order to make necessary repairs. Any landlord who violates this section may be liable to such tenant for his actual damages sustained by him, and up to one hundred dollars for each day or part thereof the tenant is thereby deprived of any utility service, and the prevailing party may recover his costs of suit or arbitration and a reasonable attorney's fee. It shall be unlawful for a tenant to intentionally cause the loss of utility services provided by the landlord, including water, heat, electricity or gas, excepting as resulting from the normal occupancy of the premises.

NEW SECTION. Sec 31. If the tenant defaults in the payment of rent and reasonably indicates by words or actions his intention not to resume tenancy, he shall be liable for the following for such abandonment: PROVIDED, That upon learning of such abandonment of the premises the landlord shall make a reasonable effort to mitigate the damages resulting from such abandonment:

(1) When the tenancy is month-to-month, the tenant shall be liable for the rent for the thirty days following either the date the landlord learns of the abandonment, or the date the next regular rental payment would have become due, whichever first occurs.

(2) When the tenancy is for a term greater than month-to-month, the tenant shall be liable for the lesser of the following:

- (a) The entire rent due for the remainder of the term; or
- (b) All rent accrued during the period reasonably necessary to

rerent the premises at a fair rental, plus the difference between such fair rental and the rent agreed to in the prior agreement, plus actual costs incurred by the landlord in rerenting the premises together with statutory court costs and reasonable attorney's fees.

In the event of such abandonment of tenancy and an accompanying default in the payment of rent by the tenant, the landlord may immediately enter and take possession of any property of the tenant found on the premises and may store the same in a secure place. A notice containing the name and address of landlord and the place where the property is stored must be mailed promptly by the landlord to the last known address of the tenant. After sixty days from the date of default in rent, and after prior notice of such sale is mailed to the last known address of the tenant, the landlord may sell such property and may apply any income derived therefrom against moneys due the landlord, including drayage and storage. Any excess income derived from the sale of such property shall be held by the landlord for the benefit of the tenant for a period of one year from the date of sale, and if no claim is made or action commenced by the tenant for the recovery thereof prior to the expiration of that period of time, the balance shall be the property of the landlord.

NEW SECTION. Sec. 32. (1) The landlord and tenant may agree, in writing, except as provided in section 23 (2) (e) of this 1973 amendatory act, to submit to arbitration, in conformity with the provisions of this section, any controversy arising under the provisions of this chapter, except the following:

(a) Controversies regarding the existence of defects covered in subsections (1) and (2) of section 7 of this 1973 amendatory act: PROVIDED, That this exception shall apply only before the implementation of any remedy by the tenant;

(b) Any situation where court action has been started by either landlord or tenant to enforce rights under this chapter; when the court action substantially affects the controversy, including but not limited to:

(i) Court action pursuant to subsections (2) and (3) of section 9 and subsections (1) and (2) of section 16 of this 1973 amendatory act; and

(ii) Any unlawful detainer action filed by the landlord pursuant to chapter 59.12 RCW.

(2) The party initiating arbitration under subsection (1) of this section shall give reasonable notice to the other party or parties.

(3) Except as otherwise provided in this section, the arbitration process shall be administered by any arbitrator agreed upon by the parties at the time the dispute arises: PROVIDED, That the procedures shall comply with the requirements of chapter 7.04 RCW

(relating to arbitration) and of this chapter.

NEW SECTION. Sec. 33. (1) Unless otherwise mutually agreed to, in the event a controversy arises under section 32 of this 1973 amendatory act the landlord or tenant, or both, shall complete an Application for Arbitration and deliver it to the selected arbitrator.

(2) The arbitrator so designated shall schedule a hearing to be held no later than ten days following receipt of notice of the controversy, except as provided in section 35 of this 1973 amendatory act.

(3) The arbitrator shall conduct public or private hearings. Reasonable notice of such hearings shall be given to the parties, who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings may be taken. Any oral or documentary evidence and other data deemed relevant by the arbitrator may be received in evidence. The arbitrator shall have the power to administer oaths, to issue subpoenas, to require the attendance of witnesses and the production of such books, papers, contracts, agreements, and documents as may be deemed by the arbitrator material to a just determination of the issues in dispute. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party, or attorney is guilty of any contempt while in attendance at any hearing held hereunder, the arbitrator may invoke the jurisdiction of any superior court, and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof.

(4) Within five days after conclusion of the hearing, the arbitrator shall make a written decision upon the issues presented, a copy of which shall be mailed by certified mail or otherwise delivered to the parties or their designated representatives. The determination of the dispute made by the arbitrator shall be final and binding upon both parties.

(5) If a defective condition exists which affects more than one dwelling unit in a similar manner, the arbitrator may consolidate the issues of fact common to those dwelling units in a single proceeding.

(6) Decisions of the arbitrator shall be enforced or appealed according to the provisions of chapter 7.04 RCW.

NEW SECTION. Sec. 34. The administrative fee for this arbitration procedure shall be seventy dollars, and, unless otherwise allocated by the arbitrator, shall be shared equally by the parties: PROVIDED, That upon either party signing an affidavit to the effect that he is unable to pay his share of the fee, that portion of the

fee may be waived or deferred.

NEW SECTION. Sec. 35. When a party gives notice pursuant to subsection (2) of section 32, he must, at the same time, arrange for arbitration of the grievance in the manner provided for in this chapter. The arbitration shall be completed before the rental due date next occurring after the giving of notice pursuant to section 32 of this 1973 amendatory act: PROVIDED, That in no event shall the arbitrator have less than ten days to complete the arbitration process.

NEW SECTION. Sec. 36. A landlord and tenant may agree, in writing, to exempt themselves from the provisions of sections 6, 10, 11, 12, 13, and 19 of this 1973 amendatory act if the following conditions have been met:

(1) The agreement may not appear in a standard form lease or rental agreement;

(2) There is no substantial inequality in the bargaining position of the two parties;

(3) The exemption does not violate the public policy of this state in favor of the ensuring safe, and sanitary housing; and

(4) Either the local county prosecutor's office or the consumer protection division of the attorney general's office or the attorney for the tenant has approved in writing the application for exemption as complying with subsection (1) through (3) of this section.

NEW SECTION. Sec. 37. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the act, or its application to other persons or circumstances, is not affected.

NEW SECTION. Sec. 38. The plaintiff, at the time of commencing an action of forcible entry or detainer or unlawful detainer, or at any time afterwards, upon filing the complaint, may apply to the superior court in which the action is pending for an order directing the defendant to appear and show cause, if any he has, why a writ of restitution should not issue restoring to the plaintiff possession of the property in the complaint described, and the judge shall by order fix a time and place for a hearing of said motion, which shall not be less than six nor more than twelve days from the date of service of said order upon defendant. A copy of said order, together with a copy of the summons and complaint if not previously served upon the defendant, shall be served upon the defendant. Said order shall notify the defendant that if he fails to appear and show cause at the time and place specified by the order the court may order the sheriff to restore possession of the property to the plaintiff and may grant such other relief as may be prayed for in the complaint and provided by this chapter.

NEW SECTION. Sec. 39. At the time and place fixed for the hearing of plaintiff's motion for a writ of restitution, the defendant, or any person in possession or claiming possession of the property, may answer, orally or in writing, and assert any legal or equitable defense or set-off arising out of the tenancy. If the answer is oral the substance thereof shall be endorsed on the complaint by the court. The court shall examine the parties and witnesses orally to ascertain the merits of the complaint and answer, and if it shall appear that the plaintiff has the right to be restored to possession of the property, the court shall enter an order directing the issuance of a writ of restitution, returnable ten days after its date, restoring to the plaintiff possession of the property and if it shall appear to the court that there is no substantial issue of material fact of the right of the plaintiff to be granted other relief as prayed for in the complaint and provided for in this chapter, the court may enter an order and judgment granting so much of such relief as may be sustained by the proof, and the court may grant such other relief as may be prayed for in the plaintiff's complaint and provided for in this chapter, then the court shall enter an order denying any relief sought by the plaintiff for which the court has determined that the plaintiff has no right as a matter of law: PROVIDED, That within three days after the service of the writ of restitution the defendant, or person in possession of the property, may, in any action for the recovery of possession of the property for failure to pay rent, stay the execution of the writ pending final judgment by paying into court or to the plaintiff, as the court directs, all rent found to be due and all the costs of the action, and in addition by paying, on a monthly basis pending final judgment, an amount equal to the monthly rent called for by the lease or rental agreement at the time the complaint was filed: PROVIDED FURTHER, That before any writ shall issue prior to final judgment the plaintiff shall execute to the defendant and file in the court a bond in such sum as the court may order, with sufficient surety to be approved by the clerk, conditioned that the plaintiff will prosecute his action without delay, and will pay all costs that may be adjudged to the defendant, and all damages which he may sustain by reason of the writ of restitution having been issued, should the same be wrongfully sued out. The court shall also enter an order directing the parties to proceed to trial on the complaint and answer in the usual manner.

If it appears to the court that the plaintiff should not be restored to possession of the property, the court shall deny plaintiff's motion for a writ of restitution and enter an order directing the parties to proceed to trial within thirty days on the complaint and answer. If it appears to the court that there is a

substantial issue of material fact as to whether or not the plaintiff is entitled to other relief as is prayed for in plaintiff's complaint and provided for in this chapter, or that there is a genuine issue of a material fact pertaining to a legal or equitable defense or set-off raised in the defendant's answer, the court shall grant or deny so much of plaintiff's other relief sought and so much of defendant's defenses or set-off claimed, as may be proper.

NEW SECTION. Sec. 40. The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the defendant, his agent, or attorney, or a person in possession of the premises, and shall not execute the same for three days thereafter, and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of said court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the said premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of said premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this 1973 amendatory act, and also all the costs of the action. The plaintiff, his agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon said bond before said bond shall be approved by the clerk. The writ may be served by the sheriff, in the event he shall be unable to find the defendant, an agent or attorney, or a person in possession of the premises, by affixing a copy of said writ in a conspicuous place upon the premises.

NEW SECTION. Sec. 41. On or before the day fixed for his appearance the defendant may appear and answer. The defendant in his answer may assert any legal or equitable defense or set-off arising out of the tenancy.

NEW SECTION. Sec. 42. If upon the trial the verdict of the jury or, if the case be tried without a jury, the finding of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceeding be for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement or tenancy. The jury, or the court, if the proceedings be tried without a jury, shall also assess the damages arising out of the tenancy

occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and, if the alleged unlawful detainer be after default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the defendant guilty of the forcible entry, forcible detainer or unlawful detainer for the amount of damages thus assessed and for the rent, if any, found due, and the court may award statutory costs and reasonable attorney's fees. When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court for the landlord the amount of the judgment and costs, and thereupon the judgment shall be satisfied and the tenant restored to his tenancy; but if payment, as herein provided, be not made within five days the judgment may be enforced for its full amount and for the possession of the premises. In all other cases the judgment may be enforced immediately. If writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

NEW SECTION. Sec. 43. The provisions of this 1973 amendatory act shall not apply to any lease of a single family dwelling for a period of a year or more or to any lease of a single family dwelling containing a bona fide purchase by the tenant: PROVIDED, That an attorney for the tenant must approve on the face of the agreement any lease exempted from the provisions of this act as provided for in this section.

NEW SECTION. Sec. 44. The provisions of RCW 59.12.090, 59.12.100, 59.12.121, and 59.12.170 shall not apply to any rental agreement included under the provisions of Chapter... (SSB No. 2226).

NEW SECTION. Sec. 45. There is added to chapter 59.04 RCW a new section to read as follows:

This chapter does not apply to any rental agreement included under the provisions of chapter ... (SSB No. 2226), Laws of 1973.

NEW SECTION. Sec. 46. There is added to chapter 59.08 RCW a new section to read as follows:

This chapter does not apply to any rental agreement included under the provisions of chapter ... (SSB No. 2226), Laws of 1973.

NEW SECTION. Sec. 47. Sections 1 through 37 of this 1973 amendatory act shall not apply to any lease entered into prior to the effective date of this 1973 amendatory act. All provisions of this 1973 amendatory act shall apply to any lease or periodic tenancy entered into on or subsequent to the effective date of this 1973

V—amendatory act.

Passed the Senate April 13, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 26, 1973, with the exception of certain items in Sections 6, 7, 11, 19, 23, 24, 25 and 31 and all of Sections 43 and 47 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to certain items, Substitute Senate Bill No. 2226, entitled:

Veto
Message

"AN ACT Relating to the lease and rental of property."

This act establishes an elaborate set of contractual relationships between landlords and tenants in residential dwellings. The provisions include regulation of security and damage deposits, conditions under which a tenant may be evicted, dispute settlement between landlords and tenant with regard to the conditions of the premises, and other general responsibilities of tenants and landlords.

Section 6 of the bill sets out obligations. Subsection one requires the landlord to maintain the premises in compliance with applicable codes, statutes or ordinances, but only if such conditions substantially endanger or impair the health or safety of the tenant. This creates a difficult burden of proof for any tenant and would not only deter tenants from using these codes, but could also deprive them of a remedy in many cases of code violation. In subsection four, the landlord is required to provide a reasonable program for control of infestation by insects, rodents and other pests, but exempts single family residences. Since the provision does not require the landlord to control infestation caused by the tenant, there is no reason for exempting single family residences from this provision, and consequently I have vetoed it.

In section 7 the landlord is required to commence remedial action to keep the premises of a tenancy fit for human habitation. This section is designed to meet the problem of landlords who repeatedly promise repairs but

fail to meet those promises. The item consisting of the final four lines in this section provides that the time limitation set forth for remedial action will not be applicable where the landlord fails to meet specified deadlines because of circumstances beyond his control. This has the effect of exempting the landlord from the requirements previously set forth without adequate justification, and I have determined to veto it.

Veto
Message

In section 8 the tenant is required to be current in the payment of rent, including all utilities he has agreed to pay in the rental agreement, before he may exercise any remedies under this act. In an act which is designed to regulate the relationship between landlords and tenants it is inappropriate that there should also be a requirement that the tenant pay his bills to third parties in order to exercise his rights. Consequently I have vetoed that provision.

In section 11 the court or arbitrator may authorize further corrective repairs for a defective condition if the landlord has not corrected them within a specified time. However, the section limits the court or arbitrator's authority to set the actual value of repairs needed. Decisions will vary with individual circumstances and arbitrary restrictions should not be set upon the court or arbitrator in this regard, when the requirements are clearly otherwise. Accordingly, that item establishing that restriction is vetoed.

In section 19 the landlord is required to give notice to the tenant of any tenant-caused defect which the landlord want remedied. The language as it reads implies that where a landlord has accepted performance by the tenant, even though at variance with the terms of the rental agreement, he may nevertheless serve notice that he is instituting steps to require compliance with the rental agreement. This allows landlords to repudiate their own agreements, and is without justification. Consequently, I have vetoed this item.

In section 23 a landlord is prohibited from taking or detaining the personal property of a tenant unless the tenant has given specific consent to such taking or detention. Such provision may well encourage landlords to

coerce tenants into allowing their possessions to be taken as security for overdue rent. In another portion of the same section there is a requirement that the tenant give a written demand to the landlord for the return of his personal property before he may be granted relief. The effect of such language is to allow a landlord to seize the tenants personal property without penalty if the property is returned after receipt of a written notice. These items are unjustified and I have vetoed them. Veto
Message

In section 24 the landlord is prohibited from taking retaliatory action against the tenant because of any good faith and lawful complaint to a governmental authority concerning the landlord's failure to comply with applicable codes, statutes or ordinances; but only if such failure would endanger or impair the health or safety of the tenant. Since it is in the interest of regulatory authorities to receive such complaints, this limitation violates public policy. A tenant should be free to make any good faith report of any violation. In addition this section provides that reprisal and retaliatory action, as defined, excludes eviction of the tenant when the landlord has given 20-days notice to terminate such tenancy. This provision clearly renders the prohibition on retaliatory action meaningless. Therefore, both items are vetoed.

Section 25 further defines retaliatory action by the landlord and creates certain presumptions. One presumption is raised against the tenant if the tenant makes a complaint to a government agency within 90 days of an increase in rent. Thus, for 90 days after an increase in rent a tenant would be deterred from making a good faith complaint of any violation of law for fear a landlord might retaliate. Obviously, this would unduly discourage such complaints and is against public policy. Accordingly, I have vetoed this item.

Section 31 establishes the landlords rights where the tenant has abandoned the premises. One item would allow costs incurred in rerenting the premises, together with statutory court costs and reasonable attorneys fees, to be charged back against the tenant. Such a provision goes far beyond even the common law and cannot be justified. I have therefore vetoed it.

Section 43 establishes a procedure for exempting those who rent a single family dwelling from the requirements of the act. Section 36 already establishes such a procedure, and there is no need for this additional provision. Consequently, I have vetoed section 43.

Veto
Message

Section 47 provides that this act shall not apply to any lease or periodic tenancy entered into prior to the effective date of the act. Many tenancies are entered on a periodic basis and there is no sufficient reason to exempt existing tenancies from the provisions of this act. Accordingly, I have vetoed this section.

With the exceptions noted above, I have approved the remainder of Substitute Senate Bill No. 2226."

CHAPTER 208

[Engrossed Substitute Senate Bill No. 2365]

EMERGENCY MEDICAL CARE AND HEALTH
SERVICES

AN ACT Relating to emergency medical care and health services; creating a new chapter in Title 18 RCW; prescribing penalties; and establishing effective dates.

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

NEW SECTION. Section 1. The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is that the secretary of the department of social and health services develop and implement a program to promote immediate prehospital treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions.

NEW SECTION. Sec. 2. The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except

that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW 18.71.020, 18.71.200, 18.71.210 and 18.71.220.

NEW SECTION. Sec. 3. Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the following meanings:

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Committee" means the emergency medical and ambulance review committee.

(4) "Ambulance" means an emergency vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(5) "First aid vehicle" means a vehicle primarily designed and used to carry first aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent condition.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(10) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered to persons injured, sick, or incapacitated at the scene of such injury, sickness, or incapacitation or in the ambulance.

(12) "Medical equipment" means such facilities and equipment to be used in the treatment of persons injured, sick or incapacitated carried by ambulance or first aid vehicle.

(13) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment, and facilities.

NEW SECTION. Sec. 4. There is created an emergency medical and ambulance review committee of nine members to be appointed by the

governor with the advice and consent of the senate. Members of the committee shall be persons knowledgeable in specific and general aspects of emergency medical services.

There shall be two members from fire departments providing ambulance or first aid service, one of whom shall represent a fire district and one of whom shall represent a fully paid municipal fire department; two persons representing private ambulance operators, one of whom shall provide service in a metropolitan area and one of whom shall provide service in a nonmetropolitan area; two who are licensed physicians; two who shall represent the consuming public, one of whom shall reside east of the crest of the Cascade mountain range and one of whom shall reside west of the crest of the Cascade mountain range; and, one member who is a hospital administrator.

Members shall be chosen from lists of nominees provided by interested associations in the fields to be represented. Members shall be appointed for a period of three years; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further, the terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice-chairman whose terms of office shall be for one year each. The chairman shall be ineligible for reelection after serving two consecutive terms.

The committee shall meet on call by the governor, the secretary or the chairman.

All appointive members of the committee, in the performance of their duties, may be entitled to receive per diem as provided in RCW 43.03.050 and travel expenses as provided in RCW 43.03.060.

NEW SECTION. Sec. 5. The committee shall advise and assist the secretary on the identification of the requirements for prehospital emergency medical and ambulance services and practices and the formulation of implementation planning.

The secretary shall submit in writing to each member of the committee all the rules and regulations, other than procedural matters, proposed by him for adoption in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the committee notify the secretary in writing of their disapproval of such proposed rules and regulations and their reasons therefore, such rules and regulations shall be adopted by the secretary in accordance with the procedures of chapter 34.04 RCW.

NEW SECTION. Sec. 6. (1) The secretary shall designate at least eight planning and service areas so that all parts of the state are within such an area. These designations are to be made on the basis of convenience and efficiency of delivery of needed emergency

medical services.

(2) The secretary shall conduct a public hearing in a major city of each planning and service area at least sixty days prior to the formulation of a comprehensive plan for prehospital emergency medical services. Such hearing shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services.

NEW SECTION. Sec. 7. The secretary shall prepare and adopt a comprehensive plan for prehospital emergency medical services in the state for persons injured as a result of motor vehicle accidents, suspected coronary victims, or persons suffering other acute illnesses or trauma. This plan shall include, but not be limited to the following: (1) The training of individuals in cardiopulmonary resuscitation, basic and advanced first aid, emergency medical technician, paramedic, and other programs for the development of prehospital emergency medical services personnel in the major city of each planning and service area; (2) the future development of rules and regulations for certification and licensure of prehospital emergency medical services personnel; and, (3) the study of prehospital emergency medical services needs, such as facilities, vehicles, equipment, communications and personnel in the state.

The secretary shall encourage communities to support the care and services required to meet the provisions of this plan or to develop such care and service. If any community is unable to provide the facilities, vehicles, equipment and personnel required, the secretary shall inform the committee thereof and the committee shall take such further action as it deems advisable consistent with the provisions of this chapter.

NEW SECTION. Sec. 8. (1) It shall be the duty of the secretary, pursuant to the policy set forth in this chapter, to prescribe minimum requirements for:

- (a) Ambulances;
- (b) First aid vehicles; and
- (c) Communication equipment.

These requirements shall be reviewed regularly.

(2) The secretary shall also prescribe, pursuant to the policy set forth in this chapter, minimum requirements for training of all first aid and ambulance personnel rendering emergency medical care or first aid.

(3) The secretary shall also cooperate with and assist the other agencies of state government and political subdivisions of the state of Washington who provide first aid and emergency medical

training to ensure that this training is available in each planning and service area of the state pursuant to the policy set forth in this 1973 act.

(4) The secretary shall also prescribe minimum requirements for liability insurance to be carried by ambulance operators except that this requirement shall not apply to self-insured public bodies.

NEW SECTION. Sec. 9. The secretary shall establish standards for emergency medical communications for use in connection with the delivery of emergency medical services. He shall, in conjunction with other agencies of state government and political subdivisions of the state of Washington, encourage establishment of a state-wide communication system utilizing presently available facilities and such additional facilities as they become available; except, that each ambulance and first aid vehicle licensed under provisions of this chapter shall be equipped with transmitting and receiving equipment.

NEW SECTION. Sec. 10. Upon the establishment of this chapter, the secretary may grant variance from standards only when compliance can be expected to create prohibitive costs or cause substantial reduction or loss of existing service. Variance may be granted for a period of not more than one year. The variance may be renewed upon approval of the committee.

NEW SECTION. Sec. 11. The secretary shall specify the level of knowledge required to qualify as an emergency medical technician and shall issue a certificate of qualification to those applicants who pass a written and practical examination given under the secretary's direction, or who provide proof of having graduated, with satisfactory performance, from a course of instruction, of not less than eighty hours, approved by the secretary. Reciprocity may be arranged, in granting emergency medical technician certificates, with a national certifying organization whose standards are at least equal to those established by the secretary.

A fee shall be established; except, that no fee shall be required of active volunteer fire fighters or volunteer ambulance personnel for such certificate. —V

The certificate shall be valid for a period of three years and may be renewed at expiration upon proof that the holder has attended a refresher course recognized by the department, or upon passing an examination such as given to new applicants.

NEW SECTION. Sec. 12. The secretary shall issue a certificate of advanced first aid qualification to those applicants who provide proof of advanced Red Cross training or its equivalent. The certificate shall be valid for a period of three years, and may be renewed at expiration upon proof that the holder has received a recognized Red Cross refresher course or its equivalent, or upon

passing an examination such as that given new applicants.

A fee shall be established for such certificate; except, that law enforcement officers, fire fighting personnel, or other governmental personnel required to have advanced first aid qualification as a qualification for employment shall be exempt from this fee.

NEW SECTION. Sec. 13. An ambulance operator, ambulance director, first aid vehicle operator or first aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to section 7 of this 1973 act, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance operators and ambulance directors providing service in other states when bringing patients into this state;
- (3) Owners of businesses in which ambulance or first aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;
- (4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of motor vehicles and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

A license fee shall be required for ambulance operators and first aid operators.

NEW SECTION. Sec. 14. The secretary shall approve the issuance of an ambulance license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its operation meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance operator or ambulance director. The ambulance license number shall be prominently displayed on each vehicle.

A fee shall be established for vehicles operated by an ambulance operator.

Licensed ambulances shall be inspected periodically by the

secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment.

NEW SECTION. Sec. 15. Any ambulance operated as such shall operate with sufficient personnel for adequate patient care, at least one of whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification issued by the secretary pursuant to section 12 of this 1973 act.

NEW SECTION. Sec. 16. The secretary shall approve the issuance of a first aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle meets requirements in force at the time of expiration of the license period. The license may be revoked if the vehicle is found to be operating in violation of regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as a first aid vehicle operator or first aid director. The first aid vehicle license number shall be prominently displayed on each vehicle.

A fee shall be established for vehicles operated by a first aid vehicle operator.

Licensed first aid vehicles shall be inspected periodically by the secretary at the location of the first aid vehicle station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle, including mechanical and electrical equipment.

NEW SECTION. Sec. 17. The first aid vehicle shall be operated by at least one person certificated pursuant to section 12 of this 1973 act and under standards promulgated by the secretary.

The first aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an ambulance would place the life of the patient in jeopardy; except, that the vehicle shall be under the command of a person certificated pursuant to section 12 of this 1973 act other than the driver and shall be in attendance to the

patient.

NEW SECTION. Sec. 18. Other vehicles not herein defined by this 1973 act shall not be used commercially or by public services for transportation of patients who must be carried on a stretcher and who required attention en route, except that such transportation may be used when directed by a physician, or when a disaster creates casualties in numbers that cannot be served by ambulances, or when any casual transportation of the infirm from his home or a health facility for routine medical treatment or care or for recreational and social purposes is desired.

NEW SECTION. Sec. 19. Any person who shall violate any of the provisions of this chapter and for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or may be imprisoned in the county jail not exceeding six months.

NEW SECTION. Sec. 20. If any provision of this 1973 act, or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

NEW SECTION. Sec. 21. The administrative procedure act, chapter 34.04 RCW, shall wherever applicable govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION. Sec. 22. The provisions of sections 1 through 8, inclusive, 11, 12, 20, 21, 22, and 23 of this 1973 act shall take effect on July 1, 1973. The provisions of sections 9, 10, and 13 through 19, inclusive, shall take effect on January 1, 1976.

NEW SECTION. Sec. 23. There is added to Title 18 RCW a new chapter as set forth in sections 1 through 21 of this 1973 act.

Passed the Senate March 9, 1973.

Passed the House April 9, 1973.

Approved by the Governor April 25, 1973, with the exception of one item each in Section 4 and Section 11 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to two items, Substitute Senate Bill No. 2365 entitled:

Veto
Message

"AN ACT Relating to emergency medical care and health services."

This act will provide that the citizens of our state will be able to receive standardized higher quality emergency medical services. Section four of the act establishes an emergency medical and ambulance review committee consisting of nine members appointed by the Governor. Section four also provides that, of the nine members on the committee, two must be from fire departments, two must be private ambulance owners, two must be licensed physicians, two must be from the consuming public and one must be a hospital administrator. While representation on the committee from such groups is both worthwhile and needed, the requirement that only such members may be appointed could well work to the disadvantage of the public should it prove worthwhile to appoint individuals from other interested areas in the future.

Section eleven of the act provides for the granting of a certificate of qualification as an emergency medical technician and requires a fee to be established, paid by the applicant, for the certificate. The section exempts volunteer fire fighters and volunteer ambulance personnel from the requirement of paying the fee. Such exemption is both laudable and in the public interest; however, it does not take into account the numerous other types of volunteer personnel which would desire and need the certificate of qualification and should be equally exempt from the payment of a fee. Deletion of the item referring to fire fighters and ambulance personnel will allow all volunteer personnel to be exempt from the fee.

Accordingly, for the reasons set out above, I have determined to veto the two items in sections four and eleven of this act. With those exceptions, Substitute Senate Bill No. 2365 is approved."

CHAPTER 209

[Engrossed Substitute Senate Bill No. 2600]

ALCOHOLIC BEVERAGE CONTROL

AN ACT Relating to intoxicating liquor; adding a new section to chapter 66.08 RCW; amending section 67, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.070; amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 1,

chapter 15, Laws of 1971 ex. sess. and RCW 66.16.040; amending section 1, chapter 67, Laws of 1949 as last amended by section 2, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.160; amending section 2, chapter 67, Laws of 1949 as last amended by section 3, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.170; amending section 3, chapter 67, Laws of 1949 as last amended by section 4, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.180; amending section 4, chapter 67, Laws of 1949 as last amended by section 5, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.190; amending section 5, chapter 67, Laws of 1949 as last amended by section 6, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.200; amending section 6, chapter 67, Laws of 1949 as last amended by section 7, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.210; amending section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 70, Laws of 1971 and RCW 66.24.010; amending section 23-U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 70, Laws of 1971 and RCW 66.24.025; amending section 27-C added to chapter 62, Laws of 1933 ex. sess. by section 7, chapter 172, Laws of 1939 and RCW 66.24.120; amending section 10, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.206; amending section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 4, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.270; amending section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 3, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.330; amending section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 7, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.370; amending section 23-S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.380; amending section 9, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.500; amending section 1, chapter 200, Laws of 1929 as amended by section 1, chapter 2, Laws of 1933 and RCW 66.44.320; repealing section 437, chapter 249, Laws of 1909, section 2, chapter 27, Laws of 1909 ex. sess. and RCW 66.44.230; declaring an emergency and making an effective date.

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

Section 1. Section 67, chapter 62, Laws of 1933 ex. sess. and RCW 66.08.070 are each amended to read as follows:

(1) Every order for the purchase of liquor shall be authorized

by the board, and no order for liquor shall be valid or binding unless it is so authorized and signed by ((any two members of)) the board or its authorized designee.

(2) A duplicate of every such order shall be kept on file in the office of the board.

(3) All cancellations of such orders made by the board shall be signed in the same manner and duplicates thereof kept on file in the office of the board. Nothing in this title shall be construed as preventing the board from accepting liquor on consignment.

NEW SECTION. Sec. 2. The board shall not hire any person who is receiving a pension in the amount of four hundred dollars or more per month.

Sec. 3. Section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 15, Laws of 1971 ex. sess. and RCW 66.16.040 are each amended to read as follows:

Except as otherwise provided by law, an employee in a state liquor store or agency may sell liquor to any person ((over the age of twenty-one years for beverage purposes)) of legal age to purchase alcoholic beverages as provided in chapter 100, Laws of 1973 and may also sell to holders of permits such liquor as may be purchased under such permits.

Where there may be a question of a person's right to purchase liquor by reason of his age, such person shall be required to present any one of the following officially issued cards of identification which shows his correct age and bears his signature and photograph:

- (1) Liquor control authority card of identification of any state.
- (2) Driver's license of any state or "identocard" issued by the Washington state department of motor vehicles pursuant to RCW 46.20.117.
- (3) United States active duty military identification.
- (4) Passport.

The board may adopt such regulations as it deems proper covering the acceptance of such cards of identification.

No liquor sold under this section shall be delivered until the purchaser has paid for the liquor in cash.

Sec. 4. Section 1, chapter 67, Laws of 1949 as last amended by section 2, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.160 are each amended to read as follows:

Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive, shall have the following meaning:

"Card of identification" means any one of those cards described in RCW 66.16.040.

"Licensee" means the holder of a retail liquor license issued by the board, and includes any employee or agent of the licensee.

"Store employee" means a person employed in a state liquor store or agency to sell liquor.

Sec. 5. Section 2, chapter 67, Laws of 1949 as last amended by section 3, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.170 are each amended to read as follows:

A card of identification may for the purpose of this title and for the purpose of procuring liquor, be accepted as an identification card by any licensee or store employee and as evidence of legal age of the person presenting such card, provided the licensee or store employee complies with the conditions and procedures prescribed herein and such regulations as may be made by the board.

Sec. 6. Section 3, chapter 67, Laws of 1949 as last amended by section 4, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.180 are each amended to read as follows:

A card of identification shall be presented by the holder thereof upon request of any licensee, store employee, peace officer, or enforcement officer of the board for the purpose of aiding the licensee, store employee, peace officer, or enforcement officer of the board to determine whether or not such person is ((at least twenty-one years)) of legal age to purchase liquor when such person desires to procure liquor from a licensed establishment or state liquor store or agency.

Sec. 7. Section 4, chapter 67, Laws of 1949 as last amended by section 5, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.190 are each amended to read as follows:

In addition to the presentation by the holder and verification by the licensee or store employee of such card of identification, the licensee or store employee shall require the person whose age may be in question to sign a certification card and record an accurate description and serial number of his card of identification thereon. Such statement shall be upon a five-inch by eight-inch file card, which card shall be filed alphabetically by the licensee or store employee at or before the close of business on the day on which the statement is executed, in the file box containing a suitable alphabetical index and the card shall be subject to examination by any peace officer or agent or employee of the board at all times.

Sec. 8. Section 5, chapter 67, Laws of 1949 as last amended by section 6, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a

licensee or store employee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both.

Sec. 9. Section 6, chapter 67, Laws of 1949 as last amended by section 7, chapter 15, Laws of 1971 ex. sess. and RCW 66.20.210 are each amended to read as follows:

No licensee or the agent or employee of the licensee, or store employee, shall be prosecuted criminally or be sued in any civil action for serving liquor to a person under ((twenty-one years of)) legal age to purchase liquor if such person has presented a card of identification in accordance with RCW 66.20.180, and has signed a certification card as provided in RCW 66.20.190.

Such card in the possession of a licensee may be offered as a defense in any hearing held by the board for serving liquor to the person who signed the card and may be considered by the board as evidence that the licensee acted in good faith.

Sec. 10. Section 27, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 70, Laws of 1971 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and the holder thereof shall not allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b) A person who has not resided in the state for at least one month prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(c) A person who has been convicted of a felony within five years prior to filing his application;

(d) A copartnership, unless all of the members thereof are qualified to obtain a license, as provided in this section;

(e) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

(f) A corporation, unless all of the officers thereof are citizens of the United States.

(3) The board may, in its discretion, subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated, as the case may be. The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses shall be allowed fees at the rate of four dollars per day, plus ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued.

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

(7) Every licensee shall post and keep posted its license, or

licenses, in a conspicuous place on the premises.

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within ~~((ten))~~ twenty days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may ~~((make oral argument in support of such objections at the time fixed by the board; after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto))~~ request and the liquor control board may in its discretion hold a formal hearing subject to the applicable provisions of chapter 34.04 RCW, as now or hereafter amended. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That on and after the effective date of this act, the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hundred feet of the premises of any church, parochial or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and

schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Sec. 11. Section 23-U added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 2, chapter 70, Laws of 1971 and RCW 66.24.025 are each amended to read as follows:

The holder of one or more licenses may assign and transfer the same to any qualified person under such rules and regulations as the board may prescribe: PROVIDED, HOWEVER, That no such assignment and transfer shall be made which will result in both a change of licensee and change of location; the fee for such assignment and transfer shall be thirty-five dollars: PROVIDED, FURTHER, That no fee will be charged for transfer to the surviving spouse only of a deceased licensee if the parties were maintaining a marital community and the license was issued in the names of one or both of the parties.

Sec. 12. Section 27-C added to chapter 62, Laws of 1933 ex. sess. by section 7, chapter 172, Laws of 1939 and RCW 66.24.120 are each amended to read as follows:

The board in suspending any license may further provide in the order of suspension that such suspension shall be vacated upon payment to the board by the licensee of a monetary penalty in an amount then fixed by the board ~~((; not exceeding a sum equal to the aggregate annual license fees of all licenses then held by such licensee))~~.

Sec. 13. Section 10, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.206 are each amended to read as follows:

No wine wholesaler nor wine importer shall purchase any wine not manufactured within the state of Washington by a winery holding a license as a manufacturer of wine from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the winery or manufacturer of such wine, or the licensed importer of wine produced outside the United States, has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such winery, manufacturer, or licensed importer of wine produced outside the United States, shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be

prescribed by the board, showing the quantity of wine sold or delivered to each licensed wine importer, or imported by the licensed importer of wine produced outside the United States, during the preceding month, and shall further have agreed with the board, that such wineries, manufacturers, or licensed importers of wine produced outside the United States, and all general sales corporations or agencies maintained by them, and all of their trade representatives and agents, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such winery, manufacturer, or licensed importer of wine produced outside the United States, shall, after obtaining such certificate, fail to submit such report, or if such winery, manufacturer, or licensed importer of wine produced outside the United States, or general sales corporations or agencies maintained by them, or their trade representatives or agents, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate: PROVIDED, HOWEVER, That such certificates of approval shall be issued only for specifically named designated and identified types of wine. The Washington state liquor control board shall not certify wines labeled with names which may be confused with other nonalcoholic beverages, whether manufactured or produced from a domestic winery or imported, nor wines which fail to meet quality standards established by the board.

The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate.

Sec. 14. Section 23-F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 4, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.270 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors within the state of Washington, shall, on or before the tenth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state

liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, suspend or revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum, which sum shall accompany the application for such certificate.

Sec. 15. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 3, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer by the individual glass or opened bottle at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale;

such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns of less than 10,000; fee \$62.50;

Cities and towns of 10,000 and less than 100,000; fee \$125.00;

Cities and towns of 100,000 or over; fee \$187.50;

The annual fee for such license, if issued outside of cities and towns, shall be sixty-two dollars and fifty cents: PROVIDED, HOWEVER, That where dancing is permitted on the premises, the fee shall be one hundred eighty-seven dollars and fifty cents.

Sec. 16. Section 23-R added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 7, chapter 75, Laws of 1967 ex. sess. and RCW 66.24.370 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class F license to sell wine in bottles and original packages, not to be consumed on the premises where sold, at any store other than the state liquor stores: PROVIDED, Such licensee shall pay to the state liquor stores for ~~((such))~~ wines purchased from such stores the current retail price; fee forty-three dollars and seventy-five cents per annum: PROVIDED, FURTHER, That a holder of a class A or class B license shall be entitled to the privileges permitted in this section by paying an annual fee of twelve dollars and fifty cents for each store.

Sec. 17. Section 23-S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as amended by section 5, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.380 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ten dollars per day. Sale, service, and consumption of beer is to be confined to specified premises or designated areas only.

Sec. 18. Section 9, chapter 178, Laws of 1969 ex. sess. and RCW 66.24.500 are each amended to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ten dollars per day. Sale, service, and consumption of wine is to be confined to specified premises or designated areas only.

Sec. 19. Section 1, chapter 200, Laws of 1929 as amended by section 1, chapter 2, Laws of 1933 and RCW 66.44.320 are each amended to read as follows:

Every person who shall sell any intoxicating liquor to any minor shall be guilty of a ~~((felony))~~ violation of Title 66 RCW.

NEW SECTION. Sec. 20. Section 437, chapter 249, Laws of 1909, section 2, chapter 27, Laws of 1909 ex. sess. and RCW 66.44.230 are each repealed.

NEW SECTION. Sec. 21. If any phrase, clause, subsection or section of this 1973 amendatory act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this 1973 amendatory act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

NEW SECTION. Sec. 22. This 1973 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, 1973.

Passed the Senate March 27, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 25, 1973, with the exception of Section 2 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to one section, Substitute Senate Bill No. 2600 entitled:

Veto
Message

"AN ACT Relating to intoxicating liquor."

This bill was requested by the liquor control board and has the effect of modernizing and clarifying many of the statutes relating to their operation. Section two of the bill, which was not originally in the bill, would prohibit the board from employing any person who is receiving a pension in the amount of four hundred dollars or more. This restriction, if valid at all, should be applied to all state employees if it is to be adopted, not just liquor control board employees. Consequently, such a provision belongs in the laws relating to the personnel board rather than this act.

Accordingly, I have determined to veto that item consisting of section two for the reasons set out above. With that exception, Substitute Senate Bill No. 2600 is approved."

CHAPTER 210

[Engrossed Substitute Senate Bill No. 2748]

TRANSPORTATION AGENCIES--
POWERS AND DUTIES--STUDIES--
APPROPRIATION

AN ACT Relating to transportation; describing powers and duties of transportation agencies; providing for transportation studies; adding new sections to chapter 44.40 RCW; 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 to chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby authorized to consider the following subjects of study and such other related subjects as it or they deem appropriate, and report its or their findings and recommendations in connection therewith not later than the convening of the 1975 regular legislative session:

(1) Establishing organizational and policy guidelines for the review of state-wide transportation needs, the interrelationship of all transportation needs and the development and implementation of a state-wide transportation plan;

(2) A review of the energy crisis problem and its implication with respect to long range transportation planning, and utility planning related to transportation;

(3) The relationship between the environment and transportation improvements including an analysis of land use patterns and the costs and benefits of environmental impact statements;

(4) A reevaluation of priority programming criteria including the feasibility of adding short and long-term social, economic, and environmental cost/benefit considerations.

(5) Feasibility of integrating the Puget Sound reserve, capital construction and ferry operations accounts into a single account or integrating ferry system needs and funding with that of highways;

(6) An analysis of alternative state funding methods with respect to providing for a balanced and adequate transportation system taking into consideration the direction of federal funding;

(7) Development of a simplified fee structure for the highway safety fund or consolidation of said fund with the motor vehicle fund;

(8) A review of the purposes, policies, procedures, and utilization of the highway equipment fund;

(9) Analysis of alternative financing methods for railroad grade crossing protection;

(10) Develop methods for determining priorities among high accident locations including railroad grade crossings in cooperation with the state highway commissioners, and utilities and transportation commissioners;

(11) Develop a pilot project in planning, programming, and budgeting improvement through the development of an interagency traffic safety program in cooperation with transportation agencies and the office of program planning and fiscal management;

(12) The concept of a scenic and recreational highway system considering the provisions of section 8, chapter 195, Laws of 1971 ex. sess. and senate bill 2539 (1973 legislative session);

(13) A continuing analysis of methods to recover for transportation purposes a portion of the increased land values resulting from transportation improvements;

(14) A continuing analysis of the relationship between traffic patrol manpower levels and accidents on state highways and county roads;

(15) An evaluation of alternatives to court adjudication of traffic violations such that the quality and timeliness of both traffic and nontraffic violation judgments may be improved and accelerated;

(16) A continuing review of traffic safety activities and state compliance with federal standards, in general, and effective methods and procedures of implementing and operating a state-wide annual vehicle safety and emission control inspection program;

(17) An investigation to determine a feasible and acceptable procedure for mandatory physician reporting of diagnosed disabilities and conditions tending to create a threat or hazard to the individual and/or the motoring public if unrestricted licensing for motor vehicle operation is granted;

(18) A cost/benefit analysis relating to the acquisition, installation, and operation of on line video display terminals for high density courts which would permit direct and immediate driver record and status look-up capability via the department of motor vehicles driver records computer;

(19) Through stratified representative sampling procedures establish just and equitable customer service guidelines (i.e., time and travel distance) for the examination of license applicants and issuance of vehicle operators licenses;

(20) Feasibility and desirability of establishing a separate assistant directorship for right of way activities in cooperation with the department of highways;

(21) Establish policies and guidelines for biennial highway

commission review of highway, street and road sections with respect to whether such sections should be added to or deleted from the state highway system;

(22) Review procedures now required to dispose of surplus real property and possible improvements in such procedures;

(23) Comparison of compensation practices of the state patrol for commissioned personnel with those of other law enforcement agencies;

(24) The desirability and feasibility of regulating signing adjacent to public highways taking into consideration the provisions of senate bills 2209 and 2434 and house bill 289 (1973 legislative session);

(25) Analysis of highway conditions which may justify raising or lowering traffic speeds taking traffic safety and existing studies into consideration, and the feasibility of utilizing electronic variable speed control devices in heavy traffic corridors;

(26) Review of traffic offense penal system, including attitudes and effectiveness;

(27) Feasibility and desirability of installation of emergency public telephone service along public highways in cooperation with the state highway commission;

(28) An evaluation of the need for additional regulation of the visibility of bicycles for safety purposes;

(29) A reevaluation of the functional classification criteria including the feasibility of classifying by function by assessment of percentages of each of the following types of trips:

(a) home-to-work;

(b) commodities movement (including farm to market);

(c) defense, military, emergency;

(d) recreation; and a reevaluation of the criteria for selection of specific projects for priority of construction within each functional class;

(30) Analysis of equity of aviation fuel excise tax provisions, particularly as they relate to third level air carriers and air travel clubs.

(31) Alternative courses of action to reduce and control air pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(32) Alternative courses of action to reduce and control noise pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(33) Desirability and feasibility of establishing a transportation research center taking into consideration costs and

benefits, such centers in other states, and state and federal funding sources;

(34) An analysis of the transportation planning process used by cities and counties, including the effects of state requirements thereon, and the adequacy of local planning procedures in meeting the objectives of state planning requirements;

(35) A feasibility study of providing water transportation for commuter foot passengers within the Lake Washington-Lake Union area, including the provision of appropriate terminal facilities and coordination with land transportation facilities;

(36) Evaluation of state highway landscaping practices with respect to safety and beautification purposes.

NEW SECTION. Sec. 2. There is added to chapter 3, Laws of 1963 ex. sess. and chapter 44.40 RCW a new section to read as follows:

Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation and utilities committees during periods when the legislative transportation committee is not appointed.

NEW SECTION. Sec. 3. There is added to chapter 3, Laws of 1963 ex. sess. and chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this 1973 act;

V- it or they may act for the state in the initiation of or participation in any multigovernmental agency program relative to transportation planning, programming, or budgeting, or other purposes of this chapter; and it or they may enter into contracts to receive federal or other fund grants or gifts. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

NEW SECTION. Sec. 4. There is added to chapter 44.40 RCW a new section to read as follows:

The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and

guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to the convening of the 1975 regular legislative session.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to conduct the study. The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose.

NEW SECTION. Sec. 5. The legislative transportation committee and/or the senate and house transportation and utilities committees and the state highway commission may jointly consider the following proposed highway additions or improvements by undertaking appropriate studies and surveys as may be necessary to evaluate their merits, said studies to be completed prior to September 1, 1974:

(1) A realignment of state route 104 east of Interstate 5 generally along the Snohomish-King county line;

(2) Traffic and safety improvements required on highways adjacent to ports of entry along the Canadian border as provided in Senate Resolution 1972-42;

(3) Alternative corridors to proposed north-south Spokane freeway including social impact and cost/benefit analysis.

NEW SECTION. Sec. 6. The department of motor vehicles in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby directed to study the feasibility and desirability, both departmental and public, of implementing a staggered vehicle licensing system. A report including recommendations shall be made to the legislature not later than the convening of the 1975 regular legislative session.

NEW SECTION. Sec. 7. The legislative transportation committee or the standing transportation and utilities committees of the senate and house are hereby authorized to make available \$20,000 or so much thereof as may be necessary to the western conference of the council of state governments. Such funds will be made available for use by its subcommittee on short haul air transportation only in the event that the subcommittee is continued by at least seven participating states and that it is evident that federal funds have been secured through the department of transportation for continuation of the short haul air transportation study under the auspices of the western conference of the council of state

governments. In the event that the said conference obtains sufficient state and federal funds for continuation of the short haul air transportation study, the state of Washington will be the administrator of the funds for the participating states according to the procedures prescribed by the office of the attorney general.

There is hereby appropriated from the aeronautics account of the general fund the sum of \$20,000 to carry out the provisions of this section.

NEW SECTION. Sec. 8. The department of highways, in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees, is directed to communicate with all appropriate state agencies and other governmental officials concerning the development of a quad-city airport to serve the cities of Pullman and Clarkston, Washington, and Lewiston and Moscow, Idaho, and to determine the effect such development may have on the priority for construction of SR 193 from Clarkston to Colton.

NEW SECTION. Sec. 9. The legislative transportation committee and/or the senate and house transportation and utilities committees, in conjunction with the department of highways, are authorized to consult with the transportation agencies of the states, counties and cities affected, as well as the Columbia Region Association of Governments, and private transportation companies, with respect to the interstate transportation needs of the Vancouver/Portland area and alternative solutions thereto. The committee(s) are further authorized to apply for and receive federal funding and support of said study, and to negotiate with affected governmental units to obtain such matching funds as may be required.

NEW SECTION. Sec. 10. This 1973 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 14, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 26, 1973, with the exception of one item in Section 3 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to one item, Engrossed Substitute Senate Bill No. 2748, entitled:

Veto
Message

"AN ACT Relating to transportation; describing

powers and duties of transportation agencies; providing for transportation studies; adding new sections to Chapter 44.40 RCW; making an appropriation; and declaring an emergency." Veto
Message

This bill authorizes interim studies of various transportation related issues by the Legislative Transportation Committee and/or the Senate and House Transportation and Utilities Committees.

Section 3 of the bill authorizes these committees to enter into contracts on behalf of the state to carry out the purposes of the act. In addition, section 3 provides that the committees "may act for the state in the initiation of or participation in any multi-governmental agency program relative to transportation planning, programming or budgeting, or other purposes of this chapter."

I have determined to veto that item in section 3 quoted above. There are both policy and, in some circumstances, constitutional objections to a legislative committee having the authorization to act for the state in multi-governmental programs. Such federal-state-local governmental arrangements clearly involve executive functions and for a legislative committee to be contracting for the state in such matters would clearly violate the traditional limits of the separation of powers between the legislative and executive branches of government.

With the exception of the described item in section 3, the remainder of the bill is approved."

CHAPTER 211

[Substitute House Bill No. 993]

FLAMMABLE FABRICS ACT

AN ACT Relating to flammable fabrics; adding a new chapter to Title 70 RCW; defining crimes; and prescribing penalties.

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

NEW SECTION. Section 1. This chapter may be known and cited as the "Flammable Fabrics Act".

NEW SECTION. Sec. 2. The legislature hereby finds and declares that fabric related burns from children's sleepwear present

an immediate and serious danger to the infants and children of this state. The legislature therefor declares it to be in the public interest, and for the protection of the health, property, and welfare of the residents of this state to herein provide for flammability standards for children's sleepwear.

NEW SECTION. Sec. 3. As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Person" means an individual, partnership, corporation, association, or any other form of business enterprise, and every officer thereof.

(2) "Children's sleepwear" means any product of wearing apparel from infant size up to and including size fourteen which is sold or intended for sale for the primary use of sleeping or activities related to sleeping, such as nightgowns, pajamas, and similar or related items such as robes, but excluding diapers and underwear.

(3) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any material or synthetic fiber, film, or substitute therefor which is intended for use, or which may reasonably be expected to be used, in children's sleepwear.

(4) The term "infant size up to and including size six-x" means the sizes defined as infant through and including six-x in Department of Commerce Voluntary Standards, Commercial Standard 151-50, "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children", Commercial Standard 153, "Body Measurements for the Sizing of Apparel for Girls", and Commercial Standard 155, "Body Measurements for the Sizing of Boys' Apparel".

(5) "Fabric related burns" means burns that would not have been incurred but for the fact that sleepwear worn at the time of the burns did not comply with commercial standards promulgated by the secretary of commerce of the United States in March, 1971, identified as Standard for the Flammability of Children's Sleepwear (DOC FF 3-71) 36 F.R. 14062 and by the Flammable Fabrics Act 15 U.S.C. 1193.

NEW SECTION. Sec. 4. It shall be unlawful to manufacture for sale, sell, or offer for sale any new and unused article of children's sleepwear which does not comply with the standards established in the Standard for the Flammability of Children's Sleepwear (DOC FF 3-71), 36 F.R. 14062 and the Flammable Fabrics Act, 15 U.S.C. 1191-1204.

NEW SECTION. Sec. 5. The attorney general or the prosecuting attorney of any county within the state may bring an action in the name of the state against any person to restrain and prevent any violation of this chapter.

NEW SECTION. Sec. 6. Any violation of this chapter is punishable, upon conviction, by a fine not exceeding five thousand dollars or by confinement in the county jail for not exceeding one year, or both.

NEW SECTION. Sec. 7. Any person who violates section 4 of this act shall be strictly liable for fabric-related burns.

NEW SECTION. Sec. 8. Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has violated any provision of this chapter. 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. 9. The provisions of this chapter shall be in addition to and not a substitution for or limitation of any other law.

NEW SECTION. Sec. 10. If any provision of this chapter, or its application to any person or circumstance is held invalid the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 26, 1973.

Filed in Office of Secretary of State April 26, 1973.

CHAPTER 212

[Substitute House Bill No. 53]

PROPERTY TAXES--OPEN SPACE, FARM,
AND TIMBER LANDS

AN ACT Relating to the taxation of property; amending section 1, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.010; amending section 2, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.020; amending section 3, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.030; amending section 5, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.050; amending section 6, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.060; amending section 7, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.070; amending section 8, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.080; adding new sections to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW; repealing section 4, chapter 87, Laws of 1970 ex. sess. and RCW

84.34.040; repealing section 11, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.110; repealing section 12, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.120; repealing section 13, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.130; and repealing section 14, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.140.

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

Section 1. Section 1, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.010 are each amended to read as follows:

The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this chapter so to provide. The legislature further declares its intent that farm and agricultural lands shall be valued on the basis of their value for use as authorized by section 11 of Article VII of the Constitution of the state of Washington.

Sec. 2. Section 2, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.020 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) retain in its natural state tracts of land not less than five acres situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Farm and agricultural land" means either (a) land in any contiguous ownership of twenty or more acres devoted primarily to ((agricultural uses)) the production of livestock or agricultural commodities for commercial purposes; (b) any parcel of land five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to one hundred dollars or more per acre

per year for three of the five calendar years preceding the date of application for classification under this chapter; or (c) any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income of one thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Agricultural lands shall also include farm woodlots of less than twenty and more than five acres and the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands".

(3) "Timber land" means land in any contiguous ownership of ~~((twenty))~~ five or more acres which is devoted primarily to the growth and harvest of forest crops and which is not classified as reforestation land pursuant to chapter 84.28 RCW, or as land classified for deferred taxation under chapter 84.32 RCW. Timber land means the land only.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the county assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

Sec. 3. Section 3, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.030 are each amended to read as follows:

An owner of agricultural land desiring current use ~~((assessment))~~ classification under subsection (2) of section 2 of this ((chapter)) 1973 amendatory act shall make application to the county assessor upon forms prepared by the state department of revenue and supplied by the county assessor. An owner of open space or timber land desiring current use classification under subsections (1) and (3) of section 2 of this 1973 amendatory act shall make application to the county legislative authority upon forms prepared by the state department of revenue and supplied by the county assessor. The application shall be accompanied by a reasonable processing fee if such processing fee is established by the city or county legislative authority but that such fee may not exceed thirty dollars for each application: PROVIDED, That if the application is not approved, then the application fee shall be returned to the

applicant. Said application shall require only such information reasonably necessary to properly classify an area of land under this ((chapter)) 1973 amendatory act with a notarized verification of the truth thereof and shall include a statement that the applicant is aware of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land. Applications must be made ((prior to December 31, 1970 for classification to begin in the assessment year commencing January 1, 1971, and thereafter applications to the county assessor shall be made)) during the ((first four calendar months of the)) calendar year preceding that in which such classification is to begin((: PROVIDED, That no application may be made under RCW 84.34.020(1)(a) until after December 31, 1971)). The assessor shall make necessary information, including copies of this chapter and applicable regulations, readily available to interested parties, and shall render reasonable assistance to such parties upon request.

NEW SECTION. Sec. 4. There is added to chapter 84.34 RCW a new section to read as follows:

The assessor shall act upon the application for current use classification of farm and agricultural lands under subsection (2) of section 2 of this 1973 amendatory act, with due regard to all relevant evidence. The application shall be deemed to have been approved unless, prior to the first day of May of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing of the extent to which the application is denied. An owner who receives notice that his application has been denied may appeal such denial to the county legislative authority. Within ten days following approval of the application, the assessor shall submit notification of such approval to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

The assessor shall also file notice of both such values with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes.

NEW SECTION. Sec. 5. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Applications for classification under section 2 subsection (1) or (3) of this 1973 amendatory act shall be made to the county legislative authority. An application made for classification of land under section 2 subsection (1) (b), or (3) of this 1973

amendatory act which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by a determining authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located.

In determining whether an application made for classification under section 2, subsection (1) (b), or (3) of this 1973 amendatory act should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and may consider whether or not preservation of current use of the land will (1) conserve or enhance natural or scenic resources, (2) protect streams or water supplies, (3) promote conservation of soils, wetlands, beaches or tidal marshes, (4) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (5) enhance recreation opportunities, (6) preserve historic sites, (7) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property against the potential loss in revenue which may result from granting the application: PROVIDED, That the granting authority may approve the application with respect to only part of the land which is the subject of the application: PROVIDED FURTHER, That if any part of the application is denied, the applicant may withdraw the entire application: AND PROVIDED FURTHER, That the granting authority in approving in part or whole an application for land classified pursuant to section 2 (1) or (3) of this 1973 amendatory act may also require that certain conditions be met, including but not limited to the granting of easements: AND PROVIDED FURTHER, That the granting or denial of the application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

Sec. 6. Section 5, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.050 are each amended to read as follows:

(1) The granting authority shall immediately notify the county assessor and the applicant of its approval or disapproval which shall in no event be more than six months from the receipt of said application. No land other than farm and agricultural land shall be considered qualified under this chapter until an application in regard thereto has been approved by the appropriate legislative

authority.

(2) When the granting authority finds that land qualifies under this chapter, it shall file notice of the same with the assessor within ten days. The assessor shall, as to any such land, make a notation each year on the assessment list and the tax roll of the assessed value of such land for the use for which it is classified in addition to the assessed value of such land were it not so classified.

(3) Within ten days following receipt of the notice from the granting authority that such land qualifies under this chapter, the assessor shall submit such notice to the county auditor for recording in the place and manner provided for the public recording of state tax liens on real property.

(4) The assessor shall also file notice of both such value with the county treasurer, who shall record such notice in the place and manner provided for recording delinquent taxes.

Sec. 7. Section 6, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.060 are each amended to read as follows:

In determining the true and fair value of open space land (~~(, farm and agriculture land,)~~) and timber land, which has been classified as such under the provisions of this chapter, the assessor shall consider only the use to which such property and improvements is currently applied and shall not consider potential uses of such property. The assessor shall compute the assessed value of such property by using the same assessment ratio which he applies generally in computing the assessed value of other property: PROVIDED, That the assessed valuation of open space land with no current use shall not be less than that which would result if it were to be assessed for agricultural uses.

Sec. 8. Section 7, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.070 are each amended to read as follows:

When land has once been classified under this chapter, it shall remain under such classification and shall not be applied to other use for at least ten years from the date of classification and shall continue under such classification until and unless withdrawn from classification after notice of request for withdrawal shall be made by the owner. During any year after ~~((seven))~~ eight years of the initial ten-year classification period have elapsed, notice of request for withdrawal of all or a portion of the land, which shall be irrevocable, may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. In the event that a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when such land was originally granted classification pursuant to this chapter. Within seven days the

county assessor shall transmit one copy of such notice to the legislative body which originally approved the application. The county assessor or assessors, as the case may be, shall, when ((three)) two assessment years have elapsed following the date of receipt of such notice, withdraw such land from such classification((: PROVIDED, That the county treasurer shall impose and collect upon the property for the seven years last past an amount which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable had the land not been so classified, and the owner shall be liable therefor, and the same may be collected, as in the case of any other property taxes levied against the land: PROVIDED FURTHER, That the county treasurer shall impose and collect interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this chapter)) and the land shall be subject to the additional tax due under section 12 of this 1973 amendatory act: PROVIDED, That agreement to tax according to use shall not be considered to be a contract and can be abrogated at any time by the ((state)) legislature in which event no additional tax or penalty shall be imposed.

Sec. 9. Section 8, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.080 are each amended to read as follows:

When land which has been ((assessed)) classified under this chapter as open space land, farm and agricultural land, or timber land is applied to some other use, except through compliance with RCW 84.34.070, or except as a result ((of the exercise of the power of eminent domain, or except as a result of a sale to a public body)) solely from any one of the conditions listed in section 12 (5) of this 1973 amendatory act, the owner shall within sixty days notify the county assessor of such change in use and additional real property tax shall be imposed upon such land in an amount equal to the sum of the following:

(1) The total amount((; if any, which would be the difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land", and the property tax otherwise due and payable had the land not been so classified during a maximum of twenty years for timber land, or fourteen years for other land preceding the year in which the assessor extends such additional tax on the tax roll)) of the additional tax due under section 12 of this 1973 amendatory act; plus

(2) A penalty amounting to twenty percent of the amount determined in subsection (1) of this section((; plus)).

((3) Interest upon the amounts of such additional tax and penalty until paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty each year if the land had been assessed at a value computed without regard to this chapter:

(4) The provisions of subsections (1), (2) and (3) of this section shall not apply in the event that the change in use results from the sale of land classified under this chapter within two years after the death of the owner of at least fifty percent of such land:))

NEW SECTION. Sec. 10. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The true and fair value of farm and agricultural land shall be determined by consideration of the earning or productive capacity of comparable lands from crops grown most typically in the area averaged over not less than five years, capitalized at indicative rates. The earning or productive capacity of farm and agricultural lands shall be the "net cash rental", capitalized at a "rate of interest" charged on long term loans secured by a mortgage on farm or agricultural land plus a component for property taxes.

For the purposes of the above computation:

(1) The term "net cash rental" shall mean the average rental paid on an annual basis, in cash or its equivalent, for the land being appraised and other farm and agricultural land of similar quality and similarly situated that is available for lease for a period of at least three years to any reliable person without unreasonable restrictions on its use for production of agricultural crops. There shall be allowed as a deduction from the rental received or computed any costs of crop production charged against the landlord if the costs are such as are customarily paid by a landlord. If "net cash rental" data is not available, the earning or productive capacity of farm and agricultural lands shall be determined by the cash value of typical or usual crops grown on land of similar quality and similarly situated averaged over not less than five years. Standard costs of production shall be allowed as a deduction from the cash value of the crops.

The current "net cash rental" or "earning capacity" shall be determined by the assessor with the advice of the advisory committee as provided in section 11 of this 1973 amendatory act, and through a continuing study within his office, assisted by studies of the department of revenue. This net cash rental figure as it applies to any farm and agricultural land may be challenged before the same boards or authorities as would be the case with regard to assessed values on general property.

(2) The term "rate of interest" shall mean the rate of interest charged by the farm credit administration and other large financial institutions regularly making loans secured by farm and agricultural lands through mortgages or similar legal instruments, averaged over the immediate past five years.

The "rate of interest" shall be determined annually by the revenue department of the state of Washington with the advice of the state advisory committee as provided in section 11 of this 1973 amendatory act, and such determination shall be published not later than January 1 of each year for use in that assessment year. The determination of the revenue department may be appealed to the state board of tax appeals by any owner of farm or agricultural land or the assessor of any county containing farm and agricultural land.

(3) The "component for property taxes" shall be a percentage equal to the estimated millage rate times the legal assessment ratio.

NEW SECTION. Sec. 11. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The county legislative authority shall appoint a five member committee representing the active farming community within the county to serve in an advisory capacity to the county assessor in implementing assessment guidelines as established by the department of revenue for the assessment of open space, farms and agricultural lands, and timber lands classified pursuant to this 1973 amendatory act.

A state advisory committee consisting of the director of the department of revenue or his designated representative, one member of the senate appointed by the president of the senate, and one member of the house appointed by the speaker of the house, and three members from the agricultural business community appointed by the agriculture commodity council shall serve in an advisory capacity to the state department of revenue as provided in sections 10 and 17 of this 1973 amendatory act.

NEW SECTION. Sec. 12. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

(1) When land has once been classified under this 1973 amendatory act, a notation of such designation shall be made each year upon the assessment and tax rolls and such land shall be valued pursuant to sections 7 or 10 of this 1973 amendatory act until removal of all or a portion of such designation by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of such designation;

(b) Passage of sixty days following the sale or transfer of

all or a portion of such land to a new owner without receipt of a notice of compliance from the new owner. Notice of compliance forms shall be prepared by the state department of revenue and supplied by the county assessor. Said notice shall contain a statement that the new owner is aware of the use classification of the land and of the potential tax liability involved when such land ceases to be designated as open space, farm and agricultural or timber land;

(c) Sale or transfer to an ownership making all or a portion of such land exempt from ad valorem taxation;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of such land is no longer primarily devoted to and used for the purposes under which it was granted classification.

(2) Within thirty days after such removal of all or a portion of such land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for such removal. The owner may appeal such removal to the county board of equalization.

(3) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to full market value on the date of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (5) of this section, an additional tax shall be imposed which shall be due and payable to the county treasurer on or before April 30 of the following year. The assessor shall compute the amount of such an additional tax and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such additional tax shall be equal to:

(a) The difference between the property tax paid as "open space land", "farm and agricultural land", or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified; plus

(b) Interest upon the amounts of such additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which such additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter.

(4) Any additional tax unpaid on its due date shall thereupon become delinquent and together with applicable interest thereon, shall as of said date become a lien on such land which shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien

may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050 now or as hereafter amended. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(5) The additional tax specified in subsection (3) of this section shall not be imposed if the removal of designation pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(d) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of such land.

(f) Transfer to a church and such land would qualify for property tax exemption pursuant to RCW 84.36.020.

NEW SECTION. Sec. 13. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The owner of any land as to which additional tax is imposed as provided in this 1973 amendatory act shall have with respect to valuation of the land and imposition of the additional tax all remedies provided by Title 84 RCW.

NEW SECTION. Sec. 14. The assessor may require owners of land classified under this chapter to submit pertinent data regarding the use of the land, productivity of typical crops, and such similar information pertinent to continued classification and appraisal of the land.

NEW SECTION. Sec. 15. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Land classified under the provisions of chapter 84.34 RCW prior to the effective date of this 1973 amendatory act which meets the definition of farm and agricultural land under the provisions of this 1973 amendatory act, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of this 1973 amendatory act. This

change in classification shall be made without additional tax, penalty, or other requirements: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.34 RCW, as now or hereafter amended.

NEW SECTION. Sec. 16. Nothing in this 1973 amendatory act shall be construed as in any manner affecting the method for valuation of timber standing on timber land which has been classified under the provisions of this 1973 amendatory act.

NEW SECTION. Sec. 17. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The department of revenue of the state of Washington shall make such rules and regulations with the advice of the state advisory committee as provided in section 11 of this 1973 amendatory act consistent with the provisions of this 1973 amendatory act as shall be necessary or desirable to permit its effective administration.

NEW SECTION. Sec. 18. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

The department of revenue and each local assessor is hereby directed to publicize the qualifications and manner of making applications for current use classification. Whenever possible notice of the qualifications, method of making applications, and availability of further information on current use classification shall be included with the second half property tax statements for 1973, and thereafter, shall be included with every notice of change in valuation of unplatted lands.

NEW SECTION. Sec. 19. There is added to chapter 87, Laws of 1970 ex. sess. and to chapter 84.34 RCW a new section to read as follows:

Land classified under the provisions of chapter 84.34 RCW as timber land which meets the definition of forest land under the provisions of chapter 84.33 RCW, upon request for such change made by the owner to the county assessor, shall be reclassified by the county assessor under the provisions of chapter 84.33 RCW. This change in classification shall be made without additional tax, penalty, or other requirements set forth in chapter 84.34 RCW: PROVIDED, That subsequent to such reclassification, the land shall be fully subject to the provisions of chapter 84.33 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. If any provision of this 1973 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. 21. The following acts or parts of acts are each hereby repealed:

- (1) Section 4, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.040;
- (2) Section 11, chapter 87, Laws of 1970 ex. sess. and RCW 83.34.110;
- (3) Section 12, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.120;
- (4) Section 13, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.130; and
- (5) Section 14, chapter 87, Laws of 1970 ex. sess. and RCW 84.34.140.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 26, 1973, with the exception of an item in Sections 10, 11 and 17 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, ^{Veto} _{Message} without my approval as to certain items, Substitute House Bill No. 53, entitled:

"AN ACT Relating to the taxation of property."

Substitute House Bill No. 53 enacts desirable amendments to the Open Space Law. In section 11 of the bill, a State Advisory Committee is created to assist the Department of Revenue in the determination of the annual rate of interest and in the promulgation of rules and regulations under the act. Half of this six-member committee are to be representatives of the agricultural business community and are appointed by the "Agricultural Commodity Council." However, there exists no such council having legal standing. As a result the agricultural representatives cannot be effectively appointed.

While I have no substantive disagreement with the concept of a State Advisory Committee, I have determined to veto that item in section 11 creating the State Advisory Committee. I have also vetoed related references to that committee in sections 10 and 17. When the Legislature returns in September, it may wish to recreate a State Advisory Committee having substantial representation from agricultural business and to provide a viable means for appointing such members.

With the exception of the items described above, the remainder of the bill is approved." Veto
Message

CHAPTER 213
[Substitute House Bill No. 340]
TUBERCULOSIS--HOSPITALIZATION
AND CONTROL

AN ACT Relating to tuberculosis hospitalization and control; amending section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061; amending section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020; amending section 17, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.030; amending section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040; and amending section 8, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.040.

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

Section 1. Section 2, chapter 143, Laws of 1972 ex. sess. and RCW 70.30.061 are each amended to read as follows:

Any person residing in the state and needing treatment for tuberculosis, may apply in person to the local health officer or to any licensed physician for examination and if such physician has reasonable cause to believe that said person is suffering from tuberculosis in any form he may apply to the local health officer or tuberculosis hospital director for admission of said person to ((the)) an appropriate ((tuberculosis)) facility for the care and treatment of tuberculosis.

Sec. 2. Section 16, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.020 are each amended to read as follows:

V From and after ((August 9, 1974)) January 1, 1974, the secretary shall have responsibility for establishing standards for the control, prevention and treatment of tuberculosis and shall have ((sete)) administrative responsibility and control for all tuberculosis hospital facilities in the state operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and for providing, either directly or through agreement, contract or purchase, hospital, nursing home and other appropriate facilities and services including laboratory services for persons who are, or may be suffering from tuberculosis except as otherwise provided by this 1973 amendatory act.

Pursuant to that responsibility, the secretary shall have the following powers and duties:

(1) To develop and enter into such agreements, contracts or purchase arrangements with counties and public and private agencies or institutions to provide for hospitalization, nursing home or other appropriate facilities and services for persons who are or may be suffering from tuberculosis, or to provide for and maintain any tuberculosis hospital facility which the secretary determines is necessary to meet the needs of the state, to determine where such hospitals shall be located and to adequately staff such hospitals to meet patient care needs;

(2) To appoint a medical director for each tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090;

(3) Adopt such rules and regulations as are necessary to assure effective patient care and treatment, and to provide for the general administration of ~~((the))~~ tuberculosis hospital facilities operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090.

Sec. 3. Section 17, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.030 are each amended to read as follows:

The medical director of any tuberculosis hospital facility operated pursuant to this chapter and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090 and this 1973 amendatory act shall be a qualified and licensed practitioner of medicine and shall have the following powers and duties:

(1) To provide for the administration of the hospital according to the rules and regulations adopted by the department;

(2) To adopt and publish such rules and regulations governing the administration of the hospital as are deemed necessary: PROVIDED, That such rules and regulations are not in conflict with those adopted by the department and have the written approval of the secretary.

Sec. 4. Section 18, chapter 277, Laws of 1971 ex. sess. and RCW 70.33.040 are each amended to read as follows:

In order to maintain adequate tuberculosis hospital facilities and to provide for adequate hospitalization, nursing home and other appropriate facilities and services for the residents of the state of Washington who are or may be suffering from tuberculosis and to assure their proper care pursuant to this chapter, the standards set by the secretary pursuant to section 2 of this 1973 amendatory act and RCW 70.32.010, 70.32.050, 70.32.060 and 70.32.090, the legislative authority of Clallam, Jefferson, Kitsap, Mason, Grays Harbor, Thurston, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Pierce, King, Snohomish, Skagit, Whatcom, San Juan and Island counties shall ~~((7))~~ levy annually a tax in the sum equal to the amount which would be raised by a levy of one-sixteenth

mill against the actual value of the taxable property in the county. ((Upon collection such sum shall be paid to the state to be used for the cost of maintaining and operating tuberculosis hospital facilities operated pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090. All other sources of revenue in tuberculosis hospital facilities operated pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090 shall be collected by such tuberculosis hospital facilities:

There is hereby appropriated to the department such revenue as is collected resulting from the one-sixteenth mill levy provided for herein, and the collections made by the tuberculosis hospital facilities. Such appropriations to the department shall be used for the cost of maintaining and operating tuberculosis hospital facilities pursuant to this chapter and RCW 70:32:040, 70:32:050, 70:32:060 and 70:32:090: PROVIDED, That in the event that the revenues collected under this section exceed the cost of hospitalization, surplus revenues will be returned to the counties in proportion to the property taxes collected from those counties.)

If such counties desire to receive state services, they may elect to utilize funds collected pursuant to this section for the purpose of contracting with the state upon agreement by the state for the cost of providing tuberculosis hospitalization and/or outpatient treatment including laboratory services, or such funds may be retained by the county for operating its own services for the prevention and treatment of tuberculosis or any other community health purposes authorized by law. None of such counties shall be required to make any payments to the state or any other agency from these funds except upon the express consent of the county legislative authority: PROVIDED, That if the counties do not comply with the promulgated standards of the department the secretary shall take action to provide such required services and to charge the affected county directly for the provision of these services by the state.

Sec. 5. Section 8, chapter 277, Laws of 1971 ex. sess. and RCW 70.35.040 are each amended to read as follows:

The district commission shall appoint and determine the compensation of a hospital superintendent for the district who shall serve at the pleasure of the commission and be a physician duly licensed in this state and qualified in public health and/or specializing in the care of tuberculosis. Such superintendent shall act as administrative officer for the commission, shall be the tuberculosis control officer for the district, and shall be empowered to employ such technical and other personnel as approved by such commission.

V. Said superintendent shall have the same powers, duties and responsibilities, throughout the district, as local health officers for the control, prevention, casefinding and treatment of

persons who have or may have tuberculosis.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 25, 1973, with the exception of one item each in Section 2 and Section 5 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith without my approval as to two items Substitute House Bill No. 340 entitled:

Veto
Message

"AN ACT Relating to tuberculosis hospitalization and control."

This bill generally revises the laws relating to tuberculosis treatment under the jurisdiction of the department of social and health services. In revising the bill as it passed through the legislative process, the effective date carried in section two was inadvertently allowed to remain in the bill. As originally drafted the bill would have become effective January 1, 1974, but that provision was deleted. However, the similar language in section two was not equally deleted. In order to maintain consistency, I have determined to veto this item in section two.

Section five of the bill, which does not relate to the department of social and health services, amends existing law to give the superintendent of the tuberculosis hospital in the Eastern Washington Tuberculosis Hospital District the same powers and duties as a local health officer. Currently, local health officers are responsible for carrying out programs to control tuberculosis and to identify and provide treatment for those persons determined to have tuberculosis. It is clear that such programs can best be carried out by those who are closest to the problem. To provide for overlapping or concurrent jurisdiction in this key area of disease control will add nothing to the continuing efforts to fight tuberculosis.

Accordingly, for the reasons set out above, I have determined to veto that item in section two and that item consisting of section five in Substitute House Bill No. 340. With those exceptions, the remainder of the bill is approved."

CHAPTER 214

[Substitute House Bill No. 445]

ANTI-DISCRIMINATION LAW--SEX--

HANDICAPPED PERSONS

AN ACT Relating to the law against discrimination; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 141, Laws of 1973 and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as last amended by section 2, chapter 141, Laws of 1973 and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 3, chapter 141, Laws of 1973 and RCW 49.60.030; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 8, chapter 270, Laws of 1955 as last amended by section 7, chapter 141, Laws of 1973 and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last amended by section 8, chapter 141, Laws of 1973 and RCW 49.60.130; amending section 9, chapter 37, Laws of 1957 as last amended by section 10, chapter 141, Laws of 1973 and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 11, chapter 141, Laws of 1973 and RCW 49.60.190; and amending section 11, chapter 37, Laws of 1957 as last amended by section 12, chapter 141, Laws of 1973 and RCW 49.60.200.

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

Section 1. Section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 141, Laws of 1973 and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health, and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, national origin, sex, marital status ((or)), age, or the presence of any sensory, mental, or physical handicap are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation, or amusement, and in real

property transactions because of race, creed, color, national origin, sex, marital status ((or)), age, or the presence of any sensory, mental, or physical handicap; and the board established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. Section 12, chapter 183, Laws of 1949 as last amended by section 2, chapter 141, Laws of 1973 and RCW 49.60.020 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, national origin, sex, marital status ((or)), age, or the presence of any sensory, mental, or physical handicap, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained be construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his civil rights.

Sec. 3. Section 2, chapter 183, Laws of 1949 as last amended by section 3, chapter 141, Laws of 1973 and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, national origin, ((or)) sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

(b) The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement;

(c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit or insurance transactions without discrimination((?)).

(2) Any person deeming himself injured by any act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him, or both, together with the cost of suit including a reasonable attorney's fees or any other remedy authorized by this chapter or the United States Civil Rights Act of 1964; and

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter related to sex discrimination which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86

RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 4. Section 8, chapter 270, Laws of 1955 as last amended by section 7, chapter 141, Laws of 1973 and RCW 49.60.120 are each amended to read as follows:

The board shall have the functions, powers and duties:

(1) To appoint an executive secretary and chief examiner, and such investigators, examiners, clerks, and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law, and prescribe their duties.

(2) To obtain upon request and utilize the services of all governmental departments and agencies.

(3) To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions of this chapter, and the policies and practices of the board in connection therewith.

(4) To receive, investigate, and pass upon complaints alleging unfair practices as defined in this chapter because of sex, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, national origin, ~~((sex))~~ marital status, ~~((or))~~ age, or the presence of any sensory, mental, or physical handicap.

(6) To make such technical studies as are appropriate to effectuate the purposes and policies of this chapter and to publish and distribute the reports of such studies.

Sec. 5. Section 9, chapter 270, Laws of 1955 as last amended by section 8, chapter 141, Laws of 1973 and RCW 49.60.130 are each amended to read as follows:

The board has power to create such advisory agencies and conciliation councils, local, regional, or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color, national origin, ~~((or))~~ marital status, or the presence of any sensory, mental, or physical handicap; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 6. Section 9, chapter 37, Laws of 1957 as last amended by section 10, chapter 141, Laws of 1973 and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, sex, marital status, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap, unless based upon a bona fide occupational qualification; PROVIDED, That the prohibition against discrimination because of such handicap shall not apply if the particular disability prevents the proper performance of the particular worker involved.

(2) To discharge or bar any person from employment because of such person's age, sex, marital status, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, sex, marital status, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the board by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes; PROVIDED, FURTHER,

That it shall not be an unfair practice for an employer to reasonably exclude or restrict participation of handicapped employees from, or reasonably restrict their participation in, life insurance, medical or disability benefits programs.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing

contained herein shall prohibit advertising in a foreign language.

V Sec. 7. Section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230 are each amended to read as follows:

Who may file a complaint:

(1) Any person claiming to be aggrieved by an alleged unfair practice may, by himself or his attorney, make, sign, and file with the board a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the board.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the board may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the board a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged act of discrimination: PROVIDED FURTHER, Any person filing a complaint of an alleged unfair labor practice based upon a handicap shall, if requested by the commission or one of its duly authorized employees, submit himself for medical and/or psychiatric examination as provided by the commission before further action on the complaint is taken by the commission.

Sec. 8. Section 10, chapter 37, Laws of 1957 as last amended by section 11, chapter 141, Laws of 1973 and RCW 49.60.190 are each amended to read as follows:

It is an unfair practice for any labor union or labor organization:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, ((or)) nation origin, or the presence of any sensory, mental, or physical handicap.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, ((or)) national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any member, employer, or employee because of age, sex, marital status, race, creed, color, ((or)) national origin, or the presence of any sensory, mental, or physical handicap.

Sec. 9. Section 11, chapter 37, Laws of 1957 as last amended by section 12, chapter 141, Laws of 1973 and RCW 49.60.200 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, ~~((or))~~ national origin, or the presence of any sensory, mental, or physical handicap, or to print or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification or discrimination as to age, sex, race, creed, color, or national origin, or the presence of any sensory, mental, or physical handicap, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 26, 1973, with the exception of one item in Section 6 and all of Section 7, which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to one section and one item, Substitute House Bill No. 445, entitled:

Veto
Message

"AN ACT Relating to the law against discrimination."

This act provides that discrimination as a result of any sensory, physical or mental handicap, is a matter of state concern and one in which the Board Against Discrimination is empowered to investigate and to act. It is made an unfair labor practice for an employer to discriminate in hiring such an individual as a result of these factors, unless the factor involved would prevent the proper performance of the work to be performed.

In section 6 an employer is allowed to exclude or restrict participation of handicapped persons in certain insurance benefit programs. There is no definition of handicap and consequently this provision could be applied to many persons and not just to those persons to whom the

bill was primarily directed. In addition, group policies ordinarily include handicapped persons and merely exclude the pre-existing conditions, and the premiums are little, if at all, higher. For these reasons I have determined to veto this item in section 6.

Veto
Message

In section 7 the Commission is authorized to require a person filing a complaint of an alleged unfair labor practice based on a handicap to submit to medical or psychiatric examination before action on the complaint is taken. If needed, the Commission can adopt by rule and regulation procedures for examination of those filing complaints alleging an unfair labor practice based on a handicap. To suggest, as this provision would, that only the handicapped need be submitted to such examinations is unnecessary and inappropriate in his act.

With the exception of this one item in section 6 and section 7, I have approved the remainder of Substitute House Bill No. 445."

CHAPTER 215
[Substitute House Bill No. 498]
SUPPLEMENTAL BUDGET

AN ACT Adopting the supplemental budget; making appropriations and authorizing expenditures for miscellaneous purposes; and declaring an emergency.

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

NEW SECTION. Section 1. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated and authorized to be expended out of the several funds indicated, for the period from the effective date of this act to June 30, 1975, except as otherwise noted.

BELATED CLAIMS

To reimburse the General Fund for Expenditures from Appropriation for Belated Claims to be disbursed on vouchers approved by the State Auditor:

GENERAL FUND -Architects' License Account		
Appropriation.....	\$	2,306.58
GENERAL FUND -Commercial Feed Account		
Appropriation.....	\$	11.94
GENERAL FUND -Commission Merchants Account		

Appropriation.....\$	49.03
GENERAL FUND -Egg Inspection Account	
Appropriation.....\$	151.77
GENERAL FUND -Electrical License Account	
Appropriation.....\$	1,509.21
GENERAL FUND -Feed and Fertilizer Account	
Appropriation.....\$	1.57
GENERAL FUND -Agriculture Mineral Lime	
Account Appropriation.....\$	49.33
GENERAL FUND -Forest Development Account	
Appropriation.....\$	28.88
GENERAL FUND -Nursery Inspection Account	
Appropriation.....\$	2.67
GENERAL FUND -Probation Services Account	
Appropriation.....\$	33.95
GENERAL FUND -Professional Engineers	
Account Appropriation.....\$	892.50
GENERAL FUND -Real Estate Commission	
Account Appropriation.....\$	2,450.04
GENERAL FUND -Seed Account Appropriation.....\$	194.65
GENERAL FUND -Resources Management	
Cost Account Appropriation.....\$	1,696.89
GENERAL FUND -Outdoor Recreation Account	
Appropriation.....\$	286.29
GAME FUND Appropriation.....\$	2,338.60
GRAIN AND HAY INSPECTION FUND Appropriation.....\$	778.16
HIGHWAY SAFETY FUND Appropriation.....\$	1,806.24
MOTOR VEHICLE FUND Appropriation.....\$	6,283.05
STATE PATROL HIGHWAY ACCOUNT Appropriation.....\$	32,016.13
PUBLIC SERVICE REVOLVING FUND Appropriation.....\$	33.78
AGRICULTURAL LOCAL FUND ACCOUNTS	
Appropriation.....\$	816.99
DEPARTMENT OF PERSONNEL SERVICE FUND	
Appropriation.....\$	785.88
HIGHER EDUCATION PERSONNEL BOARD SERVICE FUND	
Appropriation.....\$	20.00
RETIREMENT SYSTEM EXPENSE FUND Appropriation.....\$	459.62
ACCIDENT FUND Appropriation.....\$	2,139.66
MEDICAL AID FUND Appropriation.....\$	4,723.36
TEACHERS' RETIREMENT FUND Appropriation.....\$	4,099.00
SUNDRY CLAIMS	
General Fund Appropriation for relief of	
various individuals, firms and corporations	
for sundry reasons to be disbursed on	
vouchers approved by the State Auditor	

as follows:

MARILYN ALVARADO, Compensation for death of husband while on duty with the National Guard (Lump sum to 6/30/73).....\$	12,180.72
(To be administered by the Military Department, 24 mos. @ \$253 1973-75).....\$	6,072.00
FLORESTELLA R. CASTILLEJA, Compensation for death of husband while on duty with the National Guard (Lump sum to 6/30/73).....\$	8,989.26
(To be administered by the Military Department, 24 mos. @ \$185 1973-75).....\$	4,440.00
SHIRLEY LEE HOVIS (NOW SHIRLEY LEE BROWN), Compensation for death of husband while on duty with the National Guard (Lump sum to 6/30/73).....\$	7,983.38
(To be administered by the Military Department, 24 mos. @ \$68 1973-75).....\$	1,632.00
RONALD K. McADAMS, Attorney fees and cost from representing petitioner.....\$	209.90
BELLEVUE COMMUNITY COLLEGE, Reimbursement of \$6,163.24 paid to TIAA/CREF.....\$	6,163.24
OLYMPIC COMMUNITY COLLEGE, Reimbursement of \$7,162.27 paid to TIAA/CREF.....\$	7,162.27
DONNA PASSMORE, For claim relating to timber sale in 1924 to her father, in full settlement.....\$	2,500.00
FLODIN, INC., Refund of sales tax paid, in full settlement.....\$	365.51
RUTH CATO, Compensation for accumulated overtime, including state's contribution for OASI and retirement.....\$	5,915.72
RICHARD L. WILSON, For his car which was stolen and damaged by convict on furlough, in full settlement.....\$	700.00
SHERIFF HERBERT H. HARRISON, Travel expense voucher.....\$	49.40
HENRY S. LEWIS, For personal tools stolen from district shop.....\$	51.41
ROY S. KANE, JR., For Personal tools stolen from district shop.....\$	191.02
OVERLAKE MEMORIAL HOSPITAL, Treatment of Pearl Filer, in full settlement.....\$	707.20

CENTRAL STORES REVOLVING FUND,

Vendor claims against expired interim committee.....\$	7.02
DR. STEVEN DINANT.....\$	961.00
TACOMA GENERAL HOSPITAL.....\$	139.95
ST. JOSEPH'S HOSPITAL.....\$	107.88
DR. JAMES R. STILLWELL, For plastic surgery.....\$	395.00
DR. ARTHUR P. WICKSTROM, For tracheotomy.....\$	140.00
TACOMA RADIOLOGICAL ASSOCIATION.....\$	22.00
TACOMA ANESTHESIA.....\$	48.00
SUSAN L. CHANDLER, Restitution for amounts expended in reliance on Everett Community College.....\$	1,122.65
ERNEST J. THORMAHLEN, Restitution for amounts expended in reliance on Everett Community College.....\$	1,002.65
LUCY WENDT, Restitution for amounts expended in reliance on Everett Community College.....\$	1,179.90
NOREEN WORTLEY, Restitution for amounts expended in reliance on Everett Community College.....\$	1,160.20
KAY M. DOUGLAS, Restitution for amounts expended in reliance on Everett Community College.....\$	1,132.65
DEBORAH L. FISHER, Restitution for amounts expended in reliance on Everett Community College.....\$	1,136.70
ELAYNE A. FUNK, Restitution for amounts expended in reliance on Everett Community College.....\$	165.50
KAREN J. ROGERS, Restitution for amounts expended in reliance on Everett Community College.....\$	1,092.65
LARRY McCULLOCH, Restitution for amounts expended in reliance on Everett Community College.....\$	1,146.70
CLARENCE L. BUNGE, M.D., 1969-71 Biennium Public Assistance Agency No. 415.....\$	112.00
COLUMBIA VIEW HOSPITAL, 1969-71 Biennium Public Assistance Agency No. 415.....\$	1,501.11
PROVIDENCE HOSPITAL, 1969-71	

Biennium Public Assistance Agency		
No. 415.....	\$	586.50
PROVIDENCE HOSPITAL, 1969-71		
Biennium Public Assistance Agency		
No. 415.....	\$	598.10
IRIS LOUISE SMITH, 1969-71 Biennium		
Mileage.....	\$	550.00
JOHN R. WOODHEAD, 1969-71 Biennium		
Mileage.....	\$	528.00
D. L. CRAIN, Claim for alleged		
misinformation given to Mr. Crain.....	\$	438.80
ALLEN G. BARNHART, Settlement for		
deprivation of civil rights and		
damages.....	\$	1,500.00
ROBERT B. GLASSGOW, Accident damages		
Military Department, June 1927.....	\$	350.00
A. J. PARDINI, Damage to automobile.....	\$	29.58
CARROL SCOTT, Towing and storage		
on car wrongfully impounded.....	\$	30.00
BRUCE AND BETH CORE, Loss of clothing		
and personal items due to trailer		
fire.....	\$	1,250.00
General Fund Appropriation to Supplies		
and Services Fund for claims from		
vendors to state agencies, for supplies		
and services (Public Assistance), and		
for error in step increases and		
supplies: PROVIDED, That this fund		
is to be disbursed by the State		
Auditor in accordance with the		
detailed list submitted to the Small		
Claims Committee containing claim		
numbers 7380-001 through 7380-088,		
7380-089 through 7380-384, and		
7380-385 to 7380-389.....	\$	58,083.79
CRIMINAL COST BILLS		
General Fund Appropriation reimbursing counties		
for various cost bills in felony cases:		
Treasurer, King County.....	\$	29,376.14
Treasurer, Douglas County.....	\$	6,989.67
Treasurer, Franklin County.....	\$	247.11
Treasurer, Franklin County.....	\$	1,130.00
Treasurer, Pierce County.....	\$	1,353.30
Treasurer, Spokane County.....	\$	839.80
Treasurer, Grant County.....	\$	364.80

Treasurer, Cowlitz County.....	\$	64.25
Treasurer, Walla Walla County.....	\$	291.60
Treasurer, King County.....	\$	8,841.05
Treasurer, Douglas County.....	\$	818.00
Treasurer, Franklin County.....	\$	297.70
Treasurer, Grant County.....	\$	798.20
Treasurer, King County.....	\$	20,834.45
Treasurer, Kitsap County.....	\$	848.50
Treasurer, Lincoln County.....	\$	598.60
Treasurer, Okanogan County.....	\$	1,010.60
Treasurer, Pierce County.....	\$	2,443.30
Treasurer, Snohomish County.....	\$	4,842.00
Treasurer, Spokane County.....	\$	1,060.00
Treasurer, Walla Walla County.....	\$	450.60
Treasurer, Whatcom County.....	\$	461.50
Treasurer, Whitman County.....	\$	307.00
Treasurer, Yakima County.....	\$	3,130.30

NEW SECTION. Sec. 2. PUBLIC ASSISTANCE BELATED

CLAIMS

General Fund Appropriation to the Department of Social and Health Services and to be paid by the Department of Social and Health Services to various vendors in full settlement of services rendered to welfare patients for the period September 26, 1967 to January 5, 1973, and to be paid at the rate of sixty-seven percent of each late billing received for services rendered during the above-mentioned dates, on vouchers approved by the Department of Social and Health Services.....\$ 279,025.77

NEW SECTION. Sec. 3. SECRETARY OF STATE

SPECIAL APPROPRIATION.

General Fund Appropriation to the secretary of state to transmit, by mail with postage fully prepaid, one copy of substitute senate bill 2247 as amended, to each individual place of residence in the state six weeks prior to the next general election and to make such additional distribution as deemed necessary: PROVIDED, That engrossed house joint resolution 37, or a similar constitutional amendment, is to be voted on by the

V people.....\$ 110,000.00

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 15, 1973.
Passed the Senate April 14, 1973.
Approved by the Governor April 26, 1973, with the exception of Section 3 which is vetoed.
Filed in Office of Secretary of State April 26, 1973.
Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Veto Message one item, Substitute House Bill No. 498 entitled:

"AN ACT Adopting the supplemental budget."

This act, with the exception of one section, provides appropriations to reimburse belated claims and provide special relief. However, section three would require that within six weeks prior to the election in November, a copy of Substitute Senate Bill 2247 be mailed to each individual place of residence in the state. Substitute Senate Bill 2247 is the act which would implement a state income tax if the voters approve the required constitutional amendment at the next election. The appropriation provided for the mailing required in section three is \$110,000.

For a number of years now the Secretary of State, pursuant to law, has mailed out a voter's pamphlet discussing the issues to be voted on at general elections. Just recently, I approved a bill passed by the legislature which would substantially expand the scope of the arguments for and against issues on the ballot. The voter's pamphlet is a more appropriate place to discuss the issues submitted to the people, and I am sure that extensive discussion of both the constitutional amendment and the implementing act will be provided in the pamphlet.

It should also be noted that the legislature, in its session in September, intends to undertake a full review of Substitute Senate Bill 2247. Consequently, any amendments made in September would not appear in copies of the bill

mailed to the voters. Additionally, should any person desire a copy of the bill for review, it is readily available from the office of the Secretary of State between now and the November election.

Veto
Message

Accordingly, for the reasons set out above, I have determined to veto section three. With that exception, the remainder of Substitute House Bill No. 498 is approved."

CHAPTER 216

[House Bill No. 590]

HORSE RACING--COMMISSION--EMPLOYEES--
POWERS--DUTIES--FUNDING

AN ACT Relating to horse racing; amending section 2, chapter 55, Laws of 1933 as as amended by section 1, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.012; amending section 9, chapter 55, Laws of 1963 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100; 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 as amended by section 1, chapter 233, Laws of 1969 ex. sess. 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)) race 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; PROVIDED, HOWEVER, That in the

event that an appointment has not been made to fill a vacancy as required by RCW 43.06.030 the member whose term has been vacated or expired shall not be permitted to serve on the commission. 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 August 11, 1969, 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.

V NEW SECTION. Sec. 2. There is added to chapter 67.16 RCW a new section to read as follows:
No member of the horse racing commission nor any member of their immediate families shall be employed by or accept any compensation, direct or indirect, from any association, corporation or other employer, including breeding associations and concessionaires at racing meets, or any other group or association having a direct financial interest in any racing meet in the state of Washington.

NEW SECTION. Sec. 3. There is added to chapter 67.16 RCW a new section to read as follows:
No employee of the horse racing commission shall serve as an employee of any track at which that individual will also serve as an employ e of the commission.

NEW SECTION. Sec. 4. There is added to chapter 67.16 RCW a new section to read as follows:
No employee nor any commissioner of the horse racing commission shall have any financial interest whatsoever, other than an ownership interest in a community venture, in any track at which said employee serves as an agent or employee of the commission or at any track with respect to a commissioner.

NEW SECTION. Sec. 5. No later than 90 days after the effective date of this act the horse racing commission shall promulgate, pursuant to chapter 34.04 RCW, reasonable rules and regulations implementing to the extent applicable to the circumstances of the horse racing commission the conflict of interest laws of the state of Washington as set forth in chapters 42.18, 42.21 and 42.22 RCW.

V NEW SECTION. Sec. 6. Section 9, chapter 55, Laws of 1963 as last amended by section 7, chapter 148, Laws of 1965 and RCW 67.16.100 are each amended to read as follows:
(All sums paid to the commission, together with all sums collected for license fees under the provisions of this chapter, shall be disposed of by the commission as follows: Twenty percent

thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund; and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund; and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury; and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 45 RCW. Any moneys collected or paid to the commission under the terms of this chapter and not expended at the time of making its report to the legislature, shall be paid to the state treasurer and be placed in the general fund.)

There shall be a fund, known as the "Horse Racing Commission Revolving Fund," which shall consist of all fees, penalties, forfeitures, and all other moneys, income, or revenue received by the commission except those held pursuant to RCW 67.16.102. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds in an amount of petty cash as fixed by the commission within the authority of law and except those received and held pursuant to RCW 67.16.102 shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the horse racing commission revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or duly authorized representative thereof. In order to maintain an effective expenditure of revenue control system the revolving fund shall be subject in all respects to chapter 43.88 RCW and legislative appropriation shall be required to permit expenditures in payment of obligations from such fund. When excess funds are distributed all moneys subject to distribution shall go to the state general fund. Excess funds in the revolving fund shall be distributed by the commission quarterly.

NEW SECTION. Sec. 7. There is added to chapter 67.16 RCW a new section to read as follows:

V. Moneys in the revolving fund shall be distributed as follows: Twenty percent thereof shall be retained by the commission for the payment of the salaries of its members, secretary, clerical, office, and other help and all expenses incurred in carrying out the provisions of this chapter. No salary, wages, expenses, or compensation of any kind shall be paid by the state in connection with the work of the commission from any state fund other than the horse racing commission revolving fund. Of the remaining eighty percent, forty-seven percent shall, on the next business day following the receipt thereof, be paid to the state treasurer to be deposited in the general fund, and three percent shall, on the next business day following the receipt thereof, be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "state trade fair fund" which shall be maintained as a separate and independent fund, and made available to the director of commerce and economic development for the sole purpose of assisting state trade fairs. The remaining thirty percent shall be paid to the state treasurer, who is hereby made ex officio treasurer of a fund to be known as the "fair fund," which shall be maintained as a separate and independent fund outside of the state treasury, and made available to the director of agriculture for the sole purpose of assisting fairs in the manner provided in Title 15 RCW: PROVIDED, That the commission shall not expend for regulatory purpose at any race meet a sum greater than three-fourths of one percent of the total parimutuel handle at such meet. Regulatory purposes within the meaning of this provision shall include but not be limited to the salaries of all officials and personnel at the meet, the cost of services and equipment for the film patrol, the photo finish and the laboratory work, but shall exclude amounts paid to commissioners pursuant to RCW 67.16.017, per diem and travel expenses of employees, the cost of equipment and supplies used in connection with the licensing of personnel, and shall also exclude the cost of personnel and operating expense of the office of the commission at Olympia, Washington: PROVIDED, HOWEVER, That the foregoing limitation on expenditures shall not apply to those race meets nonprofit in nature which are licensed pursuant to RCW 67.16.130 nor shall the limitation prevent the commission from spending up to \$800.00 per day for regulatory purposes at any race meet.

Passed the House April 16, 1973.

Passed the Senate April 14, 1973.

Approved by the Governor April 26, 1973, with the exception of four items found in Section 1 and all of Sections 2, 6 and 7 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to four items, House Bill No. 590, entitled:

Veto
Message

"AN ACT Relating to horse racing."

This act would make several changes in the laws relating to the Horse Racing Commission. Section 1 includes amendatory language which could be construed to mean that if an appointment is made to the Commission during the time the Legislature is not in session, so that appointment could be acted upon by the Senate, then such appointee cannot exercise his duties until the Legislature next convenes and the Senate confirms the appointment. Such a limitation would without question deter and inhibit the Commission's performance of its statutory duties. Consequently I have vetoed that item in section 1 creating that limitation.

Section 2 of this act would prohibit members of the Horse Racing Commission, among other things, from accepting breeder's awards from breeding associations. Such a restriction is unfounded and has no purpose or merit. The Commission has advised me that they will immediately adopt, by rule and regulation, the substance of this section with the exception of the prohibition on breeder's awards. I have therefore determined to veto that item consisting of section 2.

Section 6 and 7 of this act would delete existing language regarding the Commission's responsibilities regarding funds received and creates a new "Horse Racing Commission Revolving Fund." Creation of this fund and the procedures prescribed for its usage would seriously delay payment by the Commission to part-time employees hired for one two-day racing meet. More importantly, the budget act previously approved, makes an appropriation to the "Racing Commission Fund" which would no longer be available to the Commission under terms of section 7. It should also be noted that much of the language in section 7 is also in the budget act.

I am not opposed to the considerations that led to

the enactment of sections 6 and 7, but to allow them to stand would effectively deprive the Commission of funding under existing mechanisms. Veto
Message

Accordingly, I have determined to veto those four items found in section 1, and consisting of sections 2, 6 and 7."

CHAPTER 217

[Engrossed House Bill No. 704]

STATE BUILDINGS AND FACILITIES CONSTRUCTION--
GENERAL OBLIGATION BONDS

AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; and declaring an emergency.

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

NEW SECTION. Section 1. For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing, together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the state capitol

V—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 and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects defined in this 1973 act and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

NEW SECTION. Sec. 2. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. 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 notes, if any. Such bonds shall be payable at such places as the committee may provide.

NEW SECTION. Sec. 3. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by this 1973 act shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in this 1973 act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration subject to the approval of the V
state capitol committee. V

NEW SECTION. Sec. 5. The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by this 1973 act. The state finance committee, shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of this 1973 act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 6. In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the

director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and this 1973 act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 8. The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 9. If any provision of this 1973 act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This 1973 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of two items in Section 1 and Section 4 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to two items, Engrossed House Bill No. 704, entitled:

Veto
Message

"AN ACT Relating to state government; providing for the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities; providing for the financing thereof by the issuance of bonds; and declaring an emergency."

This bill authorizes the State Finance Committee to issue general obligation bonds in the amount of \$27 million for the purposes of acquiring land and the planning,

construction and remodeling of capital office buildings, parking facilities, Governor's Mansion, legislative facilities, and executive office space for elective officials and other state agencies. This is desirable legislation which is required in order to allow the development of needed facilities for the executive and legislative branches of government.

Veto
Message

As initially filed and pursuant to existing law the bill would have provided for administration of these planning, construction and remodeling funds by the Department of General Administration. However, as amended in the Senate, section 1 of the bill now provides that any planning, acquisition, construction, remodeling or furnishing of space for the Legislature by way of offices, committee rooms, hearing rooms and workrooms would have to be approved by the State Capitol Committee while the other non-legislative projects would not be similarly controlled. This would mean that even the most minor of remodeling requirements for the Legislature would necessitate the prior approval of the State Capitol Committee. I find such a requirement unreasonable and probably not really intended by the drafters of this amendment.

Under existing law the Department of General Administration has express responsibility to supervise the construction, repair and betterment of all capitol buildings. On the other hand, the State Capitol Committee is a policy-making body for capitol campus development which has not heretofore functioned as an administrative mechanism for the actual construction and remodeling of capitol facilities.

Accordingly, I have vetoed those items in section 1 and section 4 of Engrossed House Bill No. 704 which would unnecessarily involve the State Capitol Committee in the administration of the capital funding authorized by this bill.

With these exceptions, the remainder of Engrossed House Bill No. 704 is approved."

CHAPTER 218

[Substitute House Bill No. 711]

GAMBLING

AN ACT Relating to gambling; creating the Washington state gambling commission; defining crimes; adding a new chapter to Title 9 RCW; repealing section 1, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.300; repealing section 2, chapter 280, Laws of 1971 ex. sess., section 1, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.310; repealing section 3, chapter 280, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.320; repealing section 4, chapter 280, Laws of 1971 ex. sess., section 3, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.330; repealing section 5, chapter 280, Laws of 1971 ex. sess., section 4, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.340; repealing section 6, chapter 280, Laws of 1971 ex. sess., section 5, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.350; repealing section 7, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.360; repealing section 8, chapter 280, Laws of 1971 ex. sess., section 6, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.370; repealing section 9, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.380; repealing section 11, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.390; repealing section 16, chapter 280, Laws of 1971 ex. sess., section 7, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.400; repealing section 18, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.410; repealing section 19, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.420; repealing section 20, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.430; repealing section 25, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.440; repealing section 98, page 93, Laws of 1854, section 103, page 222, Laws of 1869, section 109, page 205, Laws of 1873, section 913, Code of 1881, section 212, chapter 249, Laws of 1909 and RCW 9.59.010; repealing section 98, page 93, Laws of 1854, section 103, page 222, Laws of 1869, section 109, page 205, Laws of 1873, section 913, Code of 1881, section 213, chapter 249, Laws of 1909 and RCW 9.59.020; repealing section 214, chapter 249, Laws of 1909 and RCW 9.59.030; repealing section 215, chapter 249, Laws of 1909 and RCW 9.59.040; repealing section 216, chapter 249, Laws of 1909 and RCW 9.59.050; repealing section 1, chapter 21, Laws of 1923, section 1, chapter 90, Laws of 1967 and RCW 9.47.150; repealing sections 2 and 3, chapter 21, Laws of 1923 and RCW 9.47.160 and 9.47.170; repealing sections 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060,

chapter 15, Laws of 1961 and RCW 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060; prescribing penalties.

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

NEW SECTION. Section 1. It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull tabs, card rooms, Mah Jongg, social card games, and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

NEW SECTION. Sec. 2. (1) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participates;
- (b) The outcome depends in a material degree upon the skill of the contestant;
- (c) Only merchandise prizes are awarded;
- (d) The outcome is not in the control of the operator;
- (e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
- (f) Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the

proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable

therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(5) "Cardroom" means any room in a private or public place with not to exceed eight tables wherein persons may engage in card games of skill, each having a monetary limit to be established by the commission on each wager by a participant therein, in which the success depends upon the knowledge, attention, experience and skill of the player whereby the elements of chance in any such card game are overcome, improved or turned to the advantage of said player: PROVIDED, That such cardroom may only be located within premises for which a permit or license has been granted to serve alcoholic beverages by the individual glass or open bottle under authority of Title 66 RCW. Authorization to operate cardrooms under section 3 of this act includes operating or conducting, or permitting to be operated or conducted, or participation in the operation thereof. Operators of a cardroom may charge an hourly fee for the rental of any table or chair thereat or may derive a profit through the sale of chips or other ducats later redeemable in money for the exclusive use in such card games on the premises.

(6) "Commission" means the Washington state gambling commission created in section 4 of this act.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance.

(9) "Gambling device" other than for the purposes of subsection (18) of this section means: (a) Any device or mechanism

V [] used for professional gambling by the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism [] used for professional gambling which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation [] used in professional gambling. But in the application of this definition, a pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for

professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute "valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out a coupon or entry blank or facsimile which is published in a bona fide newspaper, or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program.

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state not more than once a year over a period of not more than 90 days;

(d) Visitation to any business establishment to obtain a coupon, entry blank, or proof of purchase;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material; or

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in section 3 of this act, he knowingly engages in conduct which materially aids any other form of gambling activity, or

(b) Acting other than as a player, or in the manner set forth in section 3 of this act, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under section 3 of this act, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in section 3 of this act, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable

pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this act: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of the effective date of this chapter, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(18) "Social card game" shall mean any card game in which success depends upon the knowledge, attention, experience, and skill of the player whereby the elements of chance in any such card game are overcome, improved, or turned to the advantage of said player, and in which no percentage of the money is returned to any individual or organization other than the participants.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him.

(21) "Mah Jongg" means a game of Chinese origin played, usually by four persons, with one hundred thirty-six or one hundred forty-four pieces marked in suits and called "tiles" which by drawing, discarding and exchanging are built into combinations or sets.

NEW SECTION. Sec. 3. (1) The legislature hereby authorizes

V bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and social card games, including Mah Jongg, to utilize punch boards and pull-tabs, and to operate cardrooms when licensed and conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) The legislature hereby authorizes any person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant and to operate cardrooms, including those where Mah Jongg may be played, when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(3) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted upon any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition.

V The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, or social card games when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

NEW SECTION. Sec. 4. There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of the effective date of this chapter for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in section 5 (2) of this act provided.

In addition to the members of the commission there shall initially be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of the effective date of this chapter. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business.

NEW SECTION. Sec. 5. (1) Upon appointment of the initial membership the commission shall meet at a time and place designated by the governor and proceed to organize, electing one of such members as chairman of the commission who shall serve until July 1, 1974; thereafter a chairman shall be elected annually.

(2) A majority of the members shall constitute a quorum of the commission: PROVIDED, That all actions of the commission relating to the regulation of licensing under this act shall require an affirmative vote by three or more members of the commission.

(3) The principal office of the commission shall be at the state capitol and meetings shall be held at least quarterly and at such other times as may be called by the chairman or upon written request to the chairman of a majority of the commission.

(4) Members shall receive fifty dollars per diem for each day or major portion thereof spent in performance of their duties plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(5) Before entering upon the duties of his office, each of said members of the commission shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the commission.

(6) Any member of the commission may be removed for

inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice 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 the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final. Removal of any member of the commission by the tribunal shall disqualify such member for reappointment.

NEW SECTION. Sec. 6. (1) The attorney general shall be general counsel for the state gambling commission and shall assign such assistants as may be necessary in carrying out the purposes and provisions of this chapter, which shall include instituting and prosecuting any actions and proceedings necessary thereto.

(2) The state auditor shall audit the books, records, and affairs of the commission annually. The commission shall pay to the state treasurer for the credit of the state auditor such funds as may be necessary to defray the costs of such audits. The commission may provide for additional audits by certified public accountants. All such audits shall be public records of the state.

The payment for legal services and audits as authorized in this section shall be paid upon authorization of the commission from moneys in the gambling revolving fund.

NEW SECTION. Sec. 7. The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, and social card games, including Mah Jongg, to utilize punch board and pull-tabs, and to operate cardrooms in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county, unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity: PROVIDED, FURTHER, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, suspend or revoke any

license because of considerations of race, creed, color or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant and to operate cardrooms, including those where Mah Jongg may be played, in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED, FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(3) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

(4) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having an interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or equipment by the person making such

application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(5) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(6) To require that all income from bingo games, raffles, and amusement games be receipted for at the time the income is received from each individual player and that all prizes be receipted for at the time the prize is distributed to each individual player and to require that all raffle tickets be consecutively numbered and accounted for: PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair.

(7) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(8) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(9) In accordance with section 8 of this act, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(10) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in section 3 of this act; and

(11) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION. Sec. 8. The department of motor vehicles, subject to the approval of the commission, shall employ a full time employee as director respecting gambling activities, who shall be the administrator for the commission in carrying out its powers and duties and who, with the advice and approval of the commission shall issue rules and regulations governing the activities authorized hereunder and shall supervise departmental employees in carrying out

the purposes and provisions of this chapter. In addition the department shall make available to the commission such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter. Neither the director nor any departmental employee working therefor shall be an officer or manager of any charitable or nonprofit organization, or of any organization which conducts gambling activity in this state.

NEW SECTION. Sec. 9. The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the first commission appointed pursuant to section 4 of this act shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this act and shall submit to the session of the legislature convened in September, 1973, if there be one, or, if not, to the session of the legislature convened in January, 1974, a report making specific recommendations as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the appropriate fee for each type of license and permit; and (5) the type and amount of tax that ought to be applied to each type of permitted gambling activity.

NEW SECTION. Sec. 10. There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation

shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and such employees of the department of motor vehicles as are working therefor, shall be paid from the gambling revolving fund.

NEW SECTION. Sec. 11. The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in section 3 of this act within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That the tax rate established by any county, except for any first class city located therein with respect to such city, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas; FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect the gross income of the business in which the punch boards and pull-tabs are displayed; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent of the gross revenue received therefrom.

NEW SECTION. Sec. 12. (1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management or operation of any gambling activity authorized under section 3 of this act, and no person who takes any part in the management or operation of any such gambling activity shall take any part in the management or operation of any gambling activity conducted by any other organization or any other branch of the same organization, unless approved by the commission,

and no part of the proceeds thereof shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under section 3 of this act in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity.

NEW SECTION. Sec. 13. The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under section 3 of this act and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations adopted pursuant thereto.

The department of revenue shall be provided at such reasonable intervals as the department shall determine with a report, under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto. Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency.

NEW SECTION. Sec. 14. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105.

NEW SECTION. Sec. 15. (1) Any activity conducted in violation of any provision of this chapter may be enjoined in an action commenced by the commission through the attorney general or by the prosecuting attorney or legal counsel of any city or town in which the prohibited activity may occur.

(2) When a violation of any provision of this chapter or any rule or regulation adopted pursuant hereto has occurred on any property or premises for which one or more licenses, permits, or certificates issued by this state, or any political subdivision or public agency thereof are in effect, all such licenses, permits and certificates may be voided and no license, permit, or certificate so voided shall be issued or reissued for such property or premises for a period of up to sixty days thereafter.

NEW SECTION. Sec. 16. Any person who conducts gambling activities without a license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any gambling activity without a license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

NEW SECTION. Sec. 17. Whoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or wilfully fail to maintain or make any entry required to be maintained or made, or who wilfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 18. Any person who knowingly causes, aids, abets, or conspires with another to cause any association or organization to violate any provision of this chapter or of any rule or regulation adopted pursuant to this chapter shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both.

NEW SECTION. Sec. 19. Any person or association or organization operating any gambling activity authorized under section 3 of this act, who or which, directly or indirectly, shall in the course of such operation:

- (1) Employ any device, scheme or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both.

NEW SECTION. Sec. 20. In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in section 3 of this act including a director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place, the burden of proof thereof shall be on such director, officer, and/or manager, and if such director, officer and/or manager shall sustain the burden of proof he shall not be liable hereunder. Any civil action under this section may be considered a class action.

NEW SECTION. Sec. 21. It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter.

NEW SECTION. Sec. 22. Whoever engages in professional gambling, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this section shall not apply to those activities enumerated in section 3 of this act or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

NEW SECTION. Sec. 23. (1) All gambling devices as defined in section 2 (9) of this act are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing

this chapter.

(2) No property right in any gambling device as defined in section 2 (9) of this act shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in section 3 of this act or any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in section 2 of this act or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this subsection shall not apply to devices used in those activities enumerated in section 3 of this act, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits:

any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this subsection shall not apply to records relating to activities enumerated in section 3 of this act or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof.

NEW SECTION. Sec. 24. Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities as enumerated in section 3 of this act or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

NEW SECTION. Sec. 25. (1) All gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. The plaintiff in any action brought under this subsection against any gambling premises, need not show special injury and may, in the discretion of the court, be relieved of all requirements as to giving security.

(2) When any property or premise held under a mortgage, contract or leasehold is determined by a court having jurisdiction to be a gambling premises, all rights and interests of the holder therein shall terminate and the owner shall be entitled to immediate possession at his election: PROVIDED, HOWEVER, That this subsection shall not apply to those premises in which activities set out in section 3 of this act, or any act or acts in furtherance thereof are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(3) When any property or premises for which one or more licenses issued by the commission are in effect, is determined by a court having jurisdiction to be a gambling premise, all such licenses may be voided and no longer in effect, and no license so voided shall be issued or reissued for such property or premises for a period of up to sixty days thereafter. Enforcement of this subsection shall be the duty of all peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies. This subsection shall not apply to property or premises in

which activities set out in section 3 of this act, or any act or acts in furtherance thereof, are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

NEW SECTION. Sec. 26. Proof of possession of any device used for professional gambling or any record relating to professional gambling specified in section 23 of this act is prima facie evidence of possession thereof with knowledge of its character or contents.

NEW SECTION. Sec. 27. This chapter shall constitute the exclusive legislative authority for the taxing by any city, town, city-county or county of any gambling activity and its application shall be strictly construed to those activities herein permitted and to those persons, associations or organizations herein permitted to engage therein.

NEW SECTION. Sec. 28. This chapter, constituting exclusive legislative authority for the authorization of any gambling activity by any city, town, city-county or county, any ordinance, resolution or other legislative act by any city, town, city-county or county relating to gambling in existence on the effective date of this chapter shall be null and void and of no effect; any such city, town, city-county or county may thereafter enact such local law as consistent with the provisions of this chapter.

NEW SECTION. Sec. 29. The following acts or parts of acts are each hereby repealed:

(1) Section 1, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.300;

(2) Section 2, chapter 280, Laws of 1971 ex. sess., section 1, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.310;

(3) Section 3, chapter 280, Laws of 1971 ex. sess., section 2, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.320;

(4) Section 4, chapter 280, Laws of 1971 ex. sess., section 3 chapter 141, Laws of 1972 ex. sess. and RCW 9.47.330;

(5) Section 5, chapter 280, Laws of 1971 ex. sess., section 4, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.340.

(6) Section 6, chapter 280, Laws of 1971 ex. sess., section 5, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.350.

(7) Section 7, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.360;

(8) Section 8, chapter 280, Laws of 1971 ex. sess., section 6, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.370;

(9) Section 9, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.380;

(10) Section 11, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.390;

(11) Section 16, chapter 280, Laws of 1971 ex. sess., section

7, chapter 141, Laws of 1972 ex. sess. and RCW 9.47.400;

(12) Section 18, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.410;

(13) Section 19, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.420;

(14) Section 20, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.430;

(15) Section 25, chapter 280, Laws of 1971 ex. sess. and RCW 9.47.440;

(16) Section 98, page 93, Laws of 1854, section 103, page 222, Laws of 1869, section 109, page 205, Laws of 1873, section 913, Code of 1881, section 212, chapter 249, Laws of 1909 and RCW 9.59.010;

(17) Section 98, page 93, Laws of 1854, section 103, page 222, Laws of 1869, section 109, page 205, Laws of 1873, section 913, Code of 1881, section 213, chapter 249, Laws of 1909 and RCW 9.59.020;

(18) Section 214, chapter 249, Laws of 1909 and RCW 9.59.030;

(19) Section 215, chapter 249, Laws of 1909 and RCW 9.59.040;

(20) Section 216, chapter 249, Laws of 1909 and RCW 9.59.050;

and

(21) Section 1, chapter 21, Laws of 1923, section 1, chapter 90, Laws of 1967 and RCW 9.47.150;

(22) Sections 2 and 3, chapter 21, Laws of 1923 and RCW 9.47.160 and 9.47.170; and

(23) Sections 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060, chapter 15, Laws of 1961 and RCW 82.28.010, 82.28.020, 82.28.030, 82.28.040, 82.28.050 and 82.28.060.

NEW SECTION. Sec. 30. Sections 1 through 28 of this act shall constitute a new chapter in Title 9 RCW.

NEW SECTION. Sec. 31. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House April 15, 1973.

Passed the Senate April 15, 1973.

Approved by the Governor April 26, 1973 with the exception of certain items in Sections 1, 2, 3 and 7 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am returning herewith, without my approval as to certain items, Substitute House Bill No. 711 entitled:

Veto
Message

"AN ACT Relating to gambling."

This bill, the first enactment pursuant to the

authority of the Constitutional amendment approved at the last election, would provide for a gambling commission to approve and license, through the department of motor vehicles, activities permitted under this act. Counties, and cities of the first class, would have the authority to tax such activities and to prohibit them if they so choose. Activities allowed under this act include bingo and raffles conducted by charitable and non-profit organizations, punch boards and pull-tabs, pin-ball machines which do not provide for a pay off and card rooms and social card games.

Veto
Message

I have determined to veto the items of this bill relating to card rooms and social card games. It is clear from the last election that the people desire bingo and raffles. However, I believe that we should proceed to establish the gambling commission and allow it to gain experience in this area before moving further in the direction of allowing other activities.

Additionally, in the definition of gambling device there is included in several places the item "used in professional gambling." This could cause substantial enforcement problems in determining whether the devices prohibited are actually being used in professional gambling or not. Sufficient enforcement problems could result from allowing these items to remain such that I have determined they should be vetoed.

The definition of what constitutes a lottery includes certain exemptions from the definition of "valuable consideration." One of the exemptions is visitation to a place of business to obtain a coupon, entry blank or proof of purchase. The item referring to proof of purchase could insert into the exemption the additional condition of purchasing an item or several items with no limit on the amount. Clearly, this goes beyond the concept of defining a visit to a place of business as not being valuable consideration. Accordingly, I have determined to veto that item.

With the exceptions noted above, I have approved the remainder of Substitute House Bill No. 711."

CHAPTER 219
[House Bill No. 720]
STATE DATA PROCESSING AUTHORITY

AN ACT Relating to state government; amending section 1, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.010; amending section 2, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.020; amending section 6, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.060; adding new sections to chapter 43.105 RCW; creating a new section; repealing section 3, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.015; repealing section 1, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.031; repealing section 4, chapter 115, Laws of 1967 ex. sess., section 2, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.040; and declaring an emergency.

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

Section 1. Section 1, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.010 are each amended to read as follows:

It is the purpose of this chapter to provide, through the ((central budget agency)) Washington state data processing authority, for the efficient and coordinated utilization of data processing equipment, techniques, and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing, and transmission of information; to authorize development, implementation, and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing; and to ensure that ((such)) automated data processing systems shall serve the management and other needs of the legislative, executive, and judicial branches of state and local government.

NEW SECTION. Sec. 2. There is added to chapter 43.105 RCW a new section to read as follows:

It is the intention of the legislature that this chapter shall form the basis for the formulation of a long range state automated data processing plan to satisfy the requirements of the legislative, executive, and judicial branches of state government. Each legislative, executive, and judicial agency of state government shall study and define its automated data processing requirements in order that the plan allow for the unique requirements of each branch. All agencies of state government are required to cooperate with and support the development and implementation of this plan. To effectuate this intention, the state data processing authority shall have the authority to direct and require the submittal of data from all state agencies, including data from the state auditor, concerning

local government agencies. In addition, the state auditor shall conduct a fiscal-legal audit of the completion of the tasks for the authority specified by section 7 of this 1973 amendatory act, and the legislative budget committee, or its successor, shall conduct a performance audit of such tasks.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Authority" means the Washington state data processing authority created by section 5 of this 1973 amendatory act:

(2) "Automatic data processing" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data(†):

(("Committee", unless otherwise indicated in the context, means the data processing advisory committee created by this chapter:))

(3) "Local government agencies" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately(†):

(4) "Director" means the executive director of the authority:

(5) "State agency" means all offices, departments, agencies, institutions, and commissions of state government(†):

(6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective:

(7) "Applications system" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system).

NEW SECTION. Sec. 4. There is added to chapter 43.105 RCW a new section to read as follows:

The data processing advisory committee created by section 1, chapter 212, Laws of 1969 ex. sess. is hereby abolished. The staff of such committee and the data processing coordinator and his staff from the office of program planning and fiscal management shall be transferred to the authority, along with such records, files, data, materials, equipment, and supplies as they may possess, within ninety days of the effective date of this 1973 amendatory act.

NEW SECTION. Sec. 5. There is added to chapter 43.105 RCW a new section to read as follows:

There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure, as follows: Two members who are directors

or agency supervisors in state government; the lieutenant governor; the state commissioner of public lands; the state auditor; the state superintendent of public instruction; the code reviser; one member representing higher education; and three members representing the private sector. The governor shall make such appointments within thirty days after the effective date of this 1973 amendatory act.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after the effective date of this 1973 amendatory act, subject to confirmation by a majority vote of the senate.

NEW SECTION. Sec. 6. There is added to chapter 43.105 RCW a new section to read as follows:

The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for

individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: PROVIDED, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: PROVIDED, FURTHER, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.210;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in section 7 of this 1973 amendatory act and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 7. There is added to chapter 43.105 RCW a new section to read as follows:

The authority shall complete the following tasks within the number of days after the effective date of this 1973 amendatory act allotted for each task contingent upon the funding of the authority:

(1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;

(2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;

(3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;

(4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;

(5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;

(6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;

(7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;

(8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;

(9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be

accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the mandates and directives of this act.

NEW SECTION. Sec. 8. There is added to chapter 43.105 RCW a new section to read as follows:

The executive director of the authority shall be responsible for carrying into effect the authority's orders and rules and regulations. The director shall also be authorized to employ such staff as is necessary, including but not limited to two assistant executive directors and a confidential secretary. The director shall be paid such salary as shall be deemed reasonable by the state committee on salaries.

Sec. 9. Section 6, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.060 are each amended to read as follows:

State and local government agencies are authorized to enter into any contracts with the (~~budget director, as representative of the governor~~) authority or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter.

NEW SECTION. Sec. 10. If any provision of this 1973 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. 11. This 1973 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.

NEW SECTION. Sec. 12. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.015;

(2) Section 1, chapter 212, Laws of 1969 ex. sess. and RCW 43.105.031; and

(3) Section 4, chapter 115, Laws of 1967 ex. sess., section 2,

chapter 212, Laws of 1969 ex. sess. and RCW 43.105.040.

Passed the House April 13, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of an item in section 5 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to one item, House Bill 720, entitled:

Veto
Message

"AN ACT Relating to state government."

House Bill 720 provides for the creation of the Washington State Data Processing Authority. It is the purpose of this act to provide for the coordinated utilization of data processing equipment within state government. I am prepared to support this measure as part of the continuing efforts of the Legislature and the Executive to address the issues of effective and efficient use of data processing equipment.

Section 5 of House Bill 720 creates an eleven-member Data Processing Authority appointed by the Governor and to serve at his pleasure. However, that section then proceeds to describe who some of the members of the authority shall be. Not only is this language ambiguous, but the four state elected officials designated as members of the Data Processing Authority do not effectively represent these state agencies having the major data processing workloads. Accordingly, I have vetoed that item in section 5 which specifically designates the members to be appointed to the authority.

In recognition of the concerns and interests of elected officials, I intend to appoint the Lieutenant Governor to the Data Processing Authority. In addition, I intend to appoint the Code Reviser to represent legislative data processing activities and a representative for higher education. The remaining positions on the authority will be assigned to five representatives of state government and three representatives from the private sector.

With the exception of this item, the remainder of

the bill is approved."

CHAPTER 220

[House Bill No. 901]

DIRECTOR, DEPARTMENT OF FISHERIES--
POWERS AND DUTIES

AN ACT Relating to food fish and shellfish; and amending section 75.12.010, chapter 12, Laws of 1955 as amended by section 13, chapter 283, Laws of 1971 ex. sess. and RCW 75.12.010.

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

NEW SECTION. Section 1. The preservation of the fishing industry and food fish and shellfish resources of the state of Washington is vital to the state's economy, and effective measures and remedies are necessary to prevent the depletion of these resources.

Sec. 2. Section 75.12.010, chapter 12, Laws of 1955 as amended by section 13, chapter 283, Laws of 1971 ex. sess. and RCW 75.12.010 are each amended to read as follows:

It shall be unlawful to fish for, catch, or take any species of salmon for commercial purposes, except as hereinafter provided, within the waters of the Straits of Juan de Fuca, Puget Sound and waters connected therewith within the state of Washington described as lying to the southerly, easterly and southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam county, state of Washington, near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" in the latitude 48° 9'3" [north, longitude 123° 33'01" west of Greenwich Meridian; thence running east on a line 81°] 30' true from said point across the flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude 122° 40' west; thence north on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° east true to the line of high tide at Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude 122° 40' west; thence north on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof: PROVIDED,

That, subject to such seasons and regulations as may be established from time to time by the director, ((fishing for salmon for commercial purposes within the above described waters with gill nets, round haul nets, and troll lines with not to exceed six hooks per boat shall be lawful, and subject to such regulations and to such shorter seasons as the director may establish from time to time:)) it shall be lawful to fish for ((salmon for)) commercial purposes within the above described waters with any lawful gear for sockeye salmon during the period extending from the tenth day of June to the twenty-fifth day of the following July and for other legal salmon from the ((fifth day)) second Monday of ((October)) September to and including the thirtieth day of the following November, except during the hours beginning 4:00 o'clock p.m. of Friday and ending at 4:00 o'clock ((a.m.)) p.m. of the Sunday following; AND PROVIDED, That it shall be lawful to fish for salmon for commercial purposes with gill net gear subject to such regulations and to such shorter seasons as the director may establish from time to time prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

((AND PROVIDED, That for the privilege of purse seining in said waters during the lawful periods a seiner's permit from the director of fisheries shall be required, which permit shall issue on application and payment of a fee of ten dollars:))

AND PROVIDED, That whenever the director determines that a stock or run of salmon cannot be feasibly and properly harvested in the usual manner, and that such stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director ((may)) shall maneuver units of lawful gill net gear until the second Monday in September, and thereafter, both lawful gill net and purse seine gear in any number or equivalents at his discretion, by time and area, to fully utilize such harvestable portions of these salmon runs for the economic well being of the citizens of this state, except that gill net and purse seine gear other than emergency and test gear authorized by the fisheries department shall not be used in Lake Washington.

AND PROVIDED, That subject to such regulations and to such shorter seasons as the director may establish from time to time, it shall be lawful to fish for pink salmon for commercial purposes with any lawful gear in each odd year during the period running from the first day of August to the first day of September, both dates inclusive, in the waters lying inside of the following described

line: A line commencing at a red wooden monument located on the most easterly point of Dungeness Spit and thence projected to a similar monument located at Point Partridge on Whidbey Island and a line commencing at a red wooden monument located on Olele Point and thence projected easterly to a similar monument located at Bush Point on Whidbey Island.

Passed the House April 12, 1973.
Passed the Senate April 13, 1973.
Approved by the Governor April 26, 1973, with the exception of one item in Section 2 which is vetoed.
Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the House of Representatives at the next session of the Legislature, without my approval as to one item, House Bill No. 901, entitled:

Veto
Message

"AN ACT Relating to food fish and shellfish."

Section 2 of House Bill No. 901 contains multiple amendments to RCW section 75.12.010 which pertains to commercial fishing activities. Under present law the Director of the Department of Fisheries has the discretionary authority to authorize commercial fishing in lower Puget Sound when he determines that a run of salmon cannot be feasibly and properly harvested in the usual manner and that such run of salmon may be in danger of being wasted. House Bill No. 901 would apparently mandate the Director whenever a surplus occurs to allow units of lawful gill net gear in the fishing areas south of the Initiative 77 line until the second Monday in September and thereafter both gill net and purse seine gear would be allowed at the Director's discretion.

The consequences of this amendment are unclear since the change in wording can be interpreted to mean that the Director is under a mandate to permit commercial fishing when there is a surplus run of salmon in all legal waters of Puget Sound south of the Initiative 77 line. Or, it can be interpreted to mean that the Director continues to have the discretion to authorize commercial fishing when a surplus run occurs but only in terminal areas, such as Carr Inlet.

Because of the ambiguity in the intent of this amendment and the certain controversy which it would create when the Director sought to meet the requirements of this section, I have determined to veto that item in lines 6 through 17 of page 3 of House Bill No. 901. As a result, the Director's present discretionary authority to act in this area will be maintained.

Veto
Message

With the exemption of that one item, the remainder of House Bill No. 901 is approved."

CHAPTER 221

[Substitute House Bill No. 1005]

INHERITANCE TAXES--EXEMPTIONS--

PENSION BENEFITS

AN ACT Relating to inheritance taxes; amending section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030; and adding a new section to chapter 83.20 RCW.

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

Section 1. Section 1, chapter 8, Laws of 1965 ex. sess. and RCW 83.20.030 are each amended to read as follows:

The right of a person to a pension, annuity or retirement allowance, any optional benefit, any other right accrued or accruing to any person under ((RCW)) Title 41 RCW or under any retirement or pension system established or in effect at the state board for community college education, the community colleges, the state colleges, the state universities or established by city ordinance, or established pursuant to RCW 54.04.050(2) shall be exempt from inheritance tax.

NEW SECTION. Sec. 2. There is added to chapter 83.20 RCW a new section to read as follows:

The right of a person (other than executor) to a pension, annuity or retirement allowance, any optional benefit, or any other right accrued or accruing to any person under any pension plan, annuity, retirement allowance or benefit where such pension plan, annuity, retirement allowance or benefit would qualify for exemption from federal estate taxes pursuant to section 2039(c) or 2039(d) of the internal revenue code of 1954 shall be exempt from inheritance tax.

Passed the House April 14, 1973.

Passed the Senate April 13, 1973.

Approved by the Governor April 25, 1973, with the exception of one item in Section 1 which is vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I return herewith, without my approval as to one Veto
item, Substitute House Bill No. 1005 entitled: Message

"AN ACT Relating to inheritance taxes."

This act would exempt from inheritance taxes certain pension benefits available, among others, to those employed in higher education. Senate Bill No. 2119 also makes provision for such exemptions but, in so doing, uses different language to amend the same section of law. In order to avoid the necessity of further amendment in the future to reconcile the conflicting language, an item in section one of Substitute House Bill No. 1005 must be deleted. Deleting this item will have no substantive effect in light of the provisions in Senate Bill 2119, which I have approved.

Accordingly, for the reasons set out above, I have determined to veto the one item in section one of Substitute House Bill No. 1005."

CHAPTER 222

[Engrossed Substitute Senate Bill No. 2328]

HIGHWAYS BUDGET

AN ACT Relating to highways; making appropriations for the operations and capital improvements of the state highway commission, the urban arterial board, and the Washington toll bridge authority; 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, 1973, for capital projects and for other specified purposes for the biennium ending June 30, 1975:

PROGRAM C, CONSTRUCTION

For the location, design, right of way, and construction of state highways, including state highways in urban areas in accordance with RCW 47.26.040 through 47.26.070, and for the improvement and

construction of buildings, other highway plant structures and ferry and toll facilities, and for associated supervision and direct support \$388,531,497: PROVIDED, That the Washington state highway commission may transfer any funds authorized within this appropriation to Program P, "General Supervision, Planning and Research" to meet the terms of the Vernita Toll Bridge bond covenants and RCW 47.56.702, or Program M, "Physical Maintenance and Operations" for expenditure: PROVIDED FURTHER, That the appropriation contained in this section for Program C, "Construction" shall include the proceeds of bonds authorized by RCW 47.26.400 through 47.26.407 remaining unsold on July 1, 1973 but not to exceed \$35,000,000: PROVIDED FURTHER, That a deviation of not more than 5% of the \$13,254,046 programmed for Program C-1 shall be spent: PROVIDED FURTHER, That the highway commission shall expend approximately \$1,900,000 for SR 90, 136th Place S.E. undercrossing. Said structure shall be designed with singular columns at each bent with the northerly terminus at the Southwest corner of Bellevue Community College, together with the required frontage road connections taking into consideration accessibility for Metro Transit as to ingress and egress:

PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$4,000,000, or so much thereof as may be necessary and available, for construction of the four lane facility on State Route 16 between milepost 18.93 near Olympic Drive and milepost 26.78 near Tremont Road if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$100,000, or so much thereof as may be necessary, for design of the required number of snowsheds and approach roadways on State Route 20 between Newhalem and the vicinity of Diablo; and that the highway commission is further authorized and directed to expend \$1,500,000, or so much thereof as may be necessary and available, for construction of the required number of snowsheds and approach roadways on State Route 20 between Newhalem and the vicinity of Diablo if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the Highway Commission is hereby authorized and directed to expend \$731,500 or so much thereof as shall be necessary and available for overlays and other construction improvements on SR 27 from the south city limits of Tekoa to the north city limits of Fairfield, if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided

v in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That, in view of the imminent plans of the city of Seattle for construction of the West Seattle freeway, the highway commission is hereby authorized and directed to expend not to exceed \$1,000,000 or so much thereof as may be necessary and available for preliminary engineering and design of that portion of the West Seattle freeway interchange with SR 99 which the highway commission finds to be a state responsibility if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That, in view of the fact that traffic on SR 20 between SR 5 and Sedro Woolley exceeds capacity by ten percent and with the opening of the North Cascades highway is expected to exceed capacity by eighty-five percent in 1973, the highway commission is hereby authorized and directed to expend not to exceed \$900,000 or so much thereof as may be necessary and available for preliminary engineering, design and acquisition of right of way for SR 20 from a junction with SR 5 to Sedro Woolley if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$140,000 or so much thereof as may be necessary for construction of an additional lane to make a three lane off-ramp for northbound traffic on SR 5 in south Snohomish county at northeast 205th street at Swamp Creek if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend approximately \$2,000,000 or so much thereof as may be necessary for design, right of way acquisition and construction of a connecting roadway between SR 164 in the vicinity of the Auburn Academy and connecting with SR 18 by the most direct route if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to designate that portion of SR 395 between Pasco and Connell to its proper priority within its functional class in order to substantially complete programmed construction improvements for the 1973-79 period no later than July 1, 1975, if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED

FURTHER, That no moneys as appropriated herein shall be expended during the 1973-75 biennium on the Mottman Interchange on Highway 101, being Project No. 132C of PROGRAM C, CONSTRUCTION and moneys appropriated herein for such Mottman Interchange as foresaid shall be expended for location, design, right of way and construction of the Randall Road Interchange on Highway 101, being Project No. 132A: AND PROVIDED FURTHER, That if any moneys herein appropriated are expended for the location, design, or construction of an additional lane or lanes to state route number 522 between N. E. 110th Street and 68th Avenue N. E. then such location, design, or construction shall permit and encourage the exclusive use of such lane or lanes during peak traffic periods by motor vehicles which are a part of an urban mass transit system.

It is the intent of the legislature that the highway commission expedite completion of the manpower utilization study and development of appropriate nonexpenditure workload performance criteria, in coordination with the legislative transportation committee or standing transportation and utilities committees of the senate and house and the office of program planning and fiscal management for early implementation in the 1973-75 biennium; and to complete the manpower utilization study and development of appropriate nonexpenditure workload performance criteria by June 1, 1974; and to prepare the 1975-77 biennium budget request based on such developed nonexpenditure workload performance criteria in order to support budgeted man-years at the district level for preliminary engineering, right of way and construction engineering activities on projects to be included in the 1975-77 biennium construction program. A progress report on the results of such development and implementation shall be presented to the next session of the legislature convening after December 31, 1973.

PROGRAM M, PHYSICAL MAINTENANCE AND OPERATIONS

For Program M maintenance and operation of state highways, maintenance and operation of highway plant, and associated supervision and direct support \$69,050,809: PROVIDED, That the Washington state highway commission may transfer any funds authorized within this appropriation to Program C, "Construction" for expenditure: PROVIDED FURTHER, That a deviation of not more than 5% of the \$5,702,482 programmed for Program M-1 shall be spent: PROVIDED FURTHER, That all funds included in this appropriation for deferred maintenance shall be expended during the 1973-75 biennium.

PROGRAM P, GENERAL SUPERVISION, PLANNING AND RESEARCH

For the operations of the Washington state highway commission, department of highways, including programs for executive management and general support, 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 legislative transportation committee or the standing transportation committees of the senate and house. Also, for the supervision and operation of the toll facilities section; any necessary increase in stores; for necessary pit and stockpile sites and write-off of obsolete pits and stockpiles \$24,029,203: PROVIDED, That if necessary to meet the terms of the Vernita Toll Bridge bond covenants and RCW 47.56.702, the highway commission shall make available from this appropriation up to \$100,000 for each of the Fiscal Years 1974 and 1975: Such allocation shall constitute a loan repayable from extended bridge toll revenues: PROVIDED FURTHER, That the Washington state highway commission may transfer any funds authorized within this appropriation to Program C, "Construction" or Program M, "Physical Maintenance and Operations" for expenditure: PROVIDED FURTHER, That not to exceed \$13,509,530 will be expended for Program P-1, Executive Management and General Support.

It is the intent of the legislature that the highway commission devote special attention to the development of appropriate procedures for support and implementation of the comprehensive study activities of the legislative transportation committee, or the standing committees on transportation and utilities of the senate and house during the interim between legislative sessions in the 1973-75 biennium.

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, 1975 \$68,180,687 or so much thereof as may 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: PROVIDED, That said appropriation shall include \$49,000,000 proceeds from the sale of bonds authorized by RCW 47.26.420 through 47.26.427: PROVIDED FURTHER, That during the 1973-1975 biennium the urban arterial board shall not authorize any additional projects which in the board's judgment cannot be placed under contract for construction within eighteen months from date of authorization: PROVIDED FURTHER, That in event proceeds of motor vehicle fuel tax revenue distributed in accordance with RCW 82.36.020 are insufficient to meet the debt service requirements on bonds sold in accordance with RCW 47.26.420, funds for such debt service deficits shall be provided in accordance with RCW 47.26.425 and 47.26.426: PROVIDED FURTHER, That not to exceed \$573,687 will be expended for administrative expenses.

NEW SECTION. Sec. 3. There is hereby appropriated to the Washington toll bridge authority for the biennium ending June 30,

1975, from the Puget Sound Reserve account in the motor vehicle fund \$4,032,114 or so much thereof as may be necessary to carry out the provisions of RCW 47.60.420, and from the Puget Sound capital construction account in the motor vehicle fund \$4,158,834 or so much thereof as may be necessary to design and construct new, or modify existing, ferry vessels and terminals, and to plan and improve transportation facilities for the crossing of Puget Sound and any of its tributary waters:

PROVIDED, That only expenditures up to \$1,000,000 shall be made from funds authorized by this appropriation from the Puget Sound capital construction account until all funds expended by the state highway commission in accordance with section 4, chapter 290, Laws of 1971 extraordinary session have been repaid to the motor vehicle fund to be used for state highway purposes:

PROVIDED FURTHER, That \$2,838,315, or so much thereof as may be necessary, of the funds authorized by this appropriation shall be utilized for the acquisition of two high-speed all-weather advanced marine vessels capable of sustained speeds in excess of 40 knots while meeting high ride quality standards in Puget Sound waters. The vessels may be used for ferry service demonstration purposes: PROVIDED, HOWEVER, The ferry service existing at the time of the adoption of this 1973 Act serving Bremerton and Seattle and Winslow and Seattle shall not be diminished without the approval of the toll bridge authority, the legislative transportation committee, and the standing committees on transportation and utilities of the House and Senate: PROVIDED FURTHER, That the \$2,838,315 shall be expended only upon approval of capital grant assistance applications submitted by the toll bridge authority to the urban mass transportation administration for capital facilities and equipment necessary to develop an integrated intermodal land and high-speed over-the-water walk-on transportation system: PROVIDED FURTHER, That the intermodal demonstration project will be targeted for initial demonstration service during the 1973-75 biennium, and following one year of operational service by the high-speed vessels, a recommendation as to the overall capital equipment requirements of the ferry system shall be prepared by the toll bridge authority with the cooperation and approval of the legislative transportation committee and the standing committees on transportation and utilities of the House and Senate, which recommendation shall be submitted to the next following session of the legislature: PROVIDED FURTHER, That a program plan for this project, including objectives, tasks, participants, responsibilities, cost estimates and a summary schedule will be presented by July 1, 1973 to the legislative transportation committee and the standing committees on transportation and utilities of the house and senate for review and approval, and from the Puget Sound ferry operations account in the motor vehicle fund\$1,118,000 so much thereof

as may be necessary for the operation and maintenance of the ferry system to supplement ferry tolls; PROVIDED FURTHER, That any moneys

V- accruing to the Puget Sound ferry operations account in excess of this appropriation and any part of this appropriation that will be unexpended pursuant to certification by the toll bridge authority or highway commission to the office of program planning and fiscal management shall forthwith be transferred from said account and the total of such moneys shall be distributed as follows:

- (a) ten percent to the cities and towns of the state;
- (b) thirty-three percent to the counties of the state; and
- (c) fifty-seven percent to the state to be expended as

provided by RCW 46.68.130:

PROVIDED FURTHER, That there is hereby appropriated from the motor vehicle fund to the toll bridge authority the sum of ninety thousand dollars for the purchase prior to September 1, 1973 of the assets of Olympic Ferries, Inc., such assets to include all ramps, docks, piers, loading and unloading facilities and real property or real property interests used therewith and further to include the certificate of convenience and necessity for ferry service between Port Townsend and Keystone and further to include any other assets but not to include a warehouse or storage facility located in the vicinity of Port Townsend: PROVIDED FURTHER, That the toll bridge

authority and the highway commission are hereby directed to prepare a 6-year program of capital construction improvements in consultation with the legislative transportation committee or standing transportation and utilities committees of the senate and house for submission to the 1975 legislature.

NEW SECTION. Sec. 4. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1975, the sum of \$2,840 to pay the unsatisfied portion of a judgment against the state of Washington, department of highways in Thurston county cause number 37973.

NEW SECTION. Sec. 5. There is hereby appropriated from the general fund to the Washington state highway commission \$111,144 for supportive services to off-the-job training programs for highway construction workers: PROVIDED, That this appropriation or so much thereof as shall be necessary shall be expended on or before June 30, 1975 and shall be fully reimbursable from federal funds authorized by P.L. 91-605, Title 1.

NEW SECTION. Sec. 6. The state highway commission is hereby authorized to undertake the following study in cooperation with the interested local jurisdictions and to report its findings and recommendations in connection therewith to the legislative transportation committee and to the standing committees of the legislature on transportation and utilities by August, 1974:

(1) The highway commission with the cooperation of the legislative transportation committee and the standing committees on transportation and utilities of the House and Senate shall conduct a study of the most feasible method to allow the general public, through the state, to regain and share a portion of the private economic benefits which are conferred on adjacent property owners by the expenditures of public moneys for the construction and improvement of public transportation facilities including highways, roads, and streets and to expedite the construction of such transportation improvements. The following proposals shall be considered and included in the findings and recommendations.

(a) That the ad valorem taxes levied by the state or by any taxing district be segregated so that the taxes levied against any increase in the true and fair value of real property, which increase is attributable to the construction or planned construction of a public transportation facility, shall be used to reimburse prior public expenditures or to pay any indebtedness incurred for that project.

(b) That subsequent to the first official public announcement that a public transportation facility is to be developed, an excise tax be levied upon all real estate transactions involving properties lying within a specified distance of any point of access to such transportation facility. A fixed percentage of the increased valuation of such a land parcel being transferred within a specified period of time following such announcement shall be paid to the public transportation agency. In the event no real estate transaction has occurred within that specified period of time, other methods of recouping a reasonable part of the unrealized gains shall be developed.

(c) That a local improvement district be formed to assist in the financing of the development of a proposed public transportation facility within a specified distance of the access points of such facility. Varying rates could be applied as the distance from the access points increases.

(d) That a public transportation agency be allowed, within appropriate limitations and safeguards, to acquire rights of way beyond the limits of the proposed transportation facility itself in anticipation of a later resale of such properties to aid in the financing of the transportation facility.

(e) That upon the first public announcement of a proposed public transportation facility, the fair market value of all lands, or parts thereof, within a specified distance of the proposed facility, shall be discounted for any subsequent increases in value attributable to the transportation improvement when the necessary rights of way are acquired.

(2) Based on the findings and recommendations of the results of the study outlined under subsection (1) of this section the department of highways, in cooperation with the interested local jurisdictions, shall study methods by which the design, acquisition of rights of way, and construction of an interchange at state route number 5 and state route number 525 from the Swamp Creek interchange at state route number 5 to 164th Street, southwest, in south Snohomish county can be financed.

(3) There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the legislative transportation committee and the standing committees on transportation and utilities of the House and Senate the sum of seventy-five thousand dollars or so much thereof as may be necessary to conduct the studies outlined under subsections (1) and (2) of this section: PROVIDED, That the study under subsection (2) of this section shall be undertaken only if the interested local jurisdictions agree to pay fifty percent of the cost thereof, up to a maximum amount not to exceed twenty-five thousand dollars.

NEW SECTION. Sec. 7. Notwithstanding the provisions of chapter 144, Laws of 1973, expenditures by state agencies from unanticipated receipts deposited in the contingency receipts fund may be made for obligations incurred prior to June 30, 1973.

NEW SECTION. Sec. 8. Agencies are hereby authorized and directed to pay their share of the 1971-73 unemployment compensation costs in accordance with section 19, chapter 3, Laws of 1971, as determined by the Employment Security Department, from their 1973-75 appropriations. The director of the office of program planning and fiscal management may require agencies to place funds in reserve status in order to assure that funds will be available for the purpose of this section.

NEW SECTION. Sec. 9. If any provisions of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 15, 1973.

Passed the House April 15, 1973.

Approved by the Governor April 26, 1973, with the exception of several items in Section 1 and Section 3 which are vetoed.

Filed in Office of Secretary of State April 26, 1973.

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

"I am filing herewith to be transmitted to the Senate at the next session of the Legislature, without my approval as to several items, Engrossed Substitute Senate Bill No. 2328, entitled:

Veto
Message

"AN ACT Relating to highways."

Engrossed Substitute Senate Bill 2328, as passed by the Legislature, provided operating and capital appropriations for the Department of Highways, the Toll Bridge Authority, and the Urban Arterial Board for the biennial period fiscal 1974 and 1975.

I have signed Engrossed Substitute Senate Bill 2328 with the following exceptions:

Page 2, Section 1, Line 12, beginning with "PROVIDED FURTHER" and continuing through the remainder of page 2, all of page 3, and through line 29 of page 4, ending with the word "system"; delete entirely, as follows:

"PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$4,000,000, or so much thereof as may be necessary and available, for construction of the four lane facility on State Route 16 between milepost 18.93 near Olympic Drive and milepost 26.78 near Tremont Road if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act:

PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$100,000, or so much thereof as may be necessary, for design of the required number of snowsheds and approach roadways on State Route 20 between Newhalem and the vicinity of Diablo; and that the highway commission is further authorized and directed to expend \$1,500,000, or so much thereof as may be necessary and available, for construction of the required number of snowsheds and approach roadways on State Route 20 between Newhalem and the vicinity of Diablo if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway

improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the Highway Commission is hereby authorized and directed to expend \$731,500 or so much thereof as shall be necessary and available for overlays and other construction improvements on SR 27 from the south city limits of Tekoa to the north city limits of Fairfield, if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That, in view of the imminent plans of the city of Seattle for construction of the West Seattle freeway, the highway commission is hereby authorized and directed to expend not to exceed \$1,000,000 or so much thereof as may be necessary and available for preliminary engineering and design of that portion of the West Seattle freeway interchange with SR 99 which the highway commission finds to be a state responsibility if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That, in view of the fact that traffic on SR 20 between SR 5 and Sedro Woolley exceeds capacity by ten percent and with the opening of the North Cascades highway is expected to exceed capacity by eighty-five percent in 1973, the highway commission is hereby authorized and directed to expend not to exceed \$900,000 or so much thereof as may be necessary and available for preliminary engineering, design and acquisition of right of way for SR 20 from a junction with SR 5 to Sedro Woolley if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to expend \$140,000 or so much thereof as may be necessary for construction of an additional lane to make a three lane off-ramp for northbound traffic on SR 5 in south Snohomish county at northeast 205th street at Swamp Creek if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the

Veto
Message

highway commission is hereby authorized and directed to expend approximately \$2,000,000 or so much thereof as may be necessary for design, right of way acquisition and construction of a connecting roadway between SR 164 in the vicinity of the Auburn Academy and connecting with SR 18 by the most direct route if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That the highway commission is hereby authorized and directed to designate that portion of SR 395 between Pasco and Connell to its proper priority within its functional class in order to substantially complete programmed construction improvements for the 1973-79 period no later than July 1, 1975, if the highway commission encounters unavoidable delays in designing, acquiring right of way, or constructing state highway improvements as provided in the budget of the highway commission adopted by this act: PROVIDED FURTHER, That no moneys as appropriated herein shall be expended during the 1973-75 biennium on the Mottman Interchange on Highway 101, being Project No. 132C of PROGRAM C, CONSTRUCTION and moneys appropriated herein for such Mottman Interchange as foresaid shall be expended for location, design, right of way and construction of the Randall Road Interchange on Highway 101, being Project No. 132A; AND PROVIDED FURTHER, That if any moneys herein appropriated are expended for the location, design, or construction of an additional lane or lanes to state route number 522 between N.E. 110th Street and 68th Avenue N.E. then such location, design, or construction shall permit and encourage the exclusive use of such lane or lanes during peak traffic periods by motor vehicles which are a part of an urban mass transit system."

Veto
Message

On page 7, Section 3, lines 15 through 20, I have vetoed the following item: following the word "waters": "PROVIDED, That only expenditures up to \$1,000,000 shall be made from funds authorized by this appropriation from the Puget Sound capital construction account until all funds expended by the State Highway Commission in accordance with Section 4, Chapter 290, Laws of 1971 extraordinary session have been repaid to the Motor Vehicle Fund to be used for state highway purposes."

On page 8, Section 3, Lines 21 through 31, following

"tolls", delete:

Veto
Message

"PROVIDED FURTHER, That any moneys accruing to the Puget Sound ferry operations account in excess of this appropriation and any part of this appropriation that will be unexpended pursuant to certification by the toll bridge authority or highway commission to the Office of Program Planning and Fiscal Management shall forthwith be transferred from said account and the total of such moneys shall be distributed as follows:

- (a) ten percent to the cities and towns of the state;
- (b) thirty-three percent to the counties of the state; and
- (c) fifty-seven percent to the state to be expended as provided by RCW 46.68.130:"

On pages 8 and 9, Section 3, lines 32 through 33 on page 8 and lines 1 through 8 on page 9; beginning with "PROVIDED" and ending with "Townsend":

"PROVIDED FURTHER, That there is hereby appropriated from the Motor Vehicle Fund to the toll bridge authority the sum of ninety thousand dollars to purchase prior to September 1, 1973, of the assets of Olympia Ferries, Inc., such assets to include all ramps, docks, piers, loading and unloading facilities and real property interests used therewith and further to include the certificate of convenience and necessity for ferry service between Port Townsend and Keystone and further to include any other assets but not to include a warehouse or storage facility located in the vicinity of Port Townsend."

I have stricken the first item for the purpose of maintaining the integrity of the legislatively-mandated priority program system. The legislative declaration of purpose expressed intent very succinctly as to the requirement for such a system.

RCW 47.05.010 "The legislature finds that anticipated revenues available for state highways for the foreseeable future will fall substantially short of the

amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions." Veto
Message

I find that with such scarcity of funds as cited above becoming even more pressing, and the requirements for evaluation correspondingly more essential, I have stricken these provisions that relate to specific projects in order to preserve the methodology of systematic planning in the state process. Therefore, it is recognized that these projects will be specifically evaluated in the on-going highway planning process. I am confident that as a result of such review a number of these projects will be initiated or accomplished in the next biennium.

In recent years there has been concern expressed regarding the potential influence of the Governor should he be in a position to appoint the Secretary of a Department of Transportation. I find it difficult to reconcile this concern with the large number of special interest projects that I have just deleted from this portion of SSB 2328.

The second item, detailing as priority the repayment of the 1971 ferry construction loan, has been stricken. After consultation with the affected agency, I have stricken this to enable the state to acquire federal funds, if available, and thus to achieve a significant experiment in cross-sound transportation. The loaned funds are secure to the highway system of the state; and at the same time, a major advance in citizen facilities and convenience is made possible.

Item three provided for redistribution of excess to appropriation or required Puget Sound ferry operations account funds. After review of the entire budget, I have stricken this provision for the following reasons. First, the fast passenger boat experiment is an unknown cost factor. Until such time as the operational cost estimates have been compiled, such a redistribution would constitute a hazard to the effort. Second, the ferry operation, in

its entirety, is under review. Finally, I note that the transportation study bill, Engrossed Substitute Senate Bill 2748 calls for a study of the total funding system for transportation as well as the requirement for a separate study of the various ferry funding mechanisms. Such a redistribution would thus be premature.

Veto
Message

The fourth item stricken is that of mandating the terms and conditions of acquisition of a portion of the assets of Olympic Ferries, Inc., Chapter 44, Laws of 1972, Second Extraordinary Session, authorized the Toll Bridge Authority and the Highway Commission to operate a ferry service between Port Townsend and Keystone in the event that the present privately owned corporation operating the service discontinued service and surrendered its certificate of convenience and necessity. This has not occurred. The terms of purchase listed in the subject proviso include purchase of the said certificate, which constitutes essentially purchase of a privilege which is given by the state on the condition that requirements of the public are met. Until such time as the subject private operator determines that he no longer wishes to provide the service, the terms of Chapter 44, Laws of 1972 (2nd Ex. Sess.) should prevail. At that point, the citizens of the State of Washington should not be required to purchase a privilege which they have granted but which is no longer desired by the holder. In summary, the possible purchase by the state of this operation should be determined by existing statutes and negotiation as to the value of assets.

With the exception of the items described above, the remainder of the bill is approved."

INDEX AND TABLES

(For both sessions, regular and extraordinary, 1973)

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AUTHENTICATION

I, Richard O. White, Code Reviser of the State of Washington, do hereby certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by the provisions of RCW 44.20.060, the laws published herein are a true and correct reproduction of the copies of the enrolled laws of the 1973 regular and 1st extraordinary sessions (43rd Legislature) as certified and transmitted to the Statute Law Committee by the Secretary of State pursuant to RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this twenty-fifth day of June, 1973.



Richard O. White

RICHARD O. WHITE
Code Reviser

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1973 Regular and Extraordinary Sessions

Bill Number	Chapter Number Laws of 1973	Bill Number	Chapter Number Laws of 1973	Bill Number	Chapter Number Laws of 1973
SB 2008	152	SB 2246	88	SB 2502	154*
SB 2021	4	SB 2247	141*	SB 2504	178*
SB 2025	76*	SB 2250	150*	SB 2508	109
SB 2033	82	SB 2251	113	SB 2513	88*
SB 2037	1*	SB 2252	89	SB 2515	89*
SB 2038	112	SB 2253	90	SB 2522	151*
SB 2039	83	SB 2256	198*	SB 2524	152*
SB 2040	146*	SB 2257	91	SB 2525	13*
SB 2042	84	SB 2258	146	SB 2527	110
SB 2045	138*	SB 2268	12*	SB 2531	179*
SB 2048	14	SB 2270	83*	SB 2544	153*
SB 2053	85	SB 2275	92	SB 2552	124*
SB 2054	36*	SB 2278	37*	SB 2554	125*
SB 2055	5	SB 2282	22	SB 2559	117
SB 2056	15	SB 2288	84*	SB 2568	111
SB 2066	147*	SB 2289	115*	SB 2570	180*
SB 2069	10*	SB 2293	25*	SB 2571	90*
SB 2071	14*	SB 2294	85*	SB 2586	181*
SB 2072	143	SB 2309	116*	SB 2588	25
SB 2074	86	SB 2311	201*	SB 2589	91*
SB 2075	77*	SB 2312	28*	SB 2590	126*
SB 2079	12	SB 2317	176*	SB 2592	48
SB 2080	16	SB 2319	117*	SB 2600	209*
SB 2081	17	SB 2327	147	SB 2614	127*
SB 2082	18	SB 2328	222*	SB 2618	6
SB 2088	148*	SB 2331	47	SB 2619	7
SB 2089	13	SB 2336	142*	SB 2621	128*
SB 2093	144	SB 2337	174*	SB 2643	92*
SB 2096	78*	SB 2340	93	SB 2656	93*
SB 2098	140*	SB 2341	106	SB 2672	129*
SB 2100	19	SB 2342	107	SB 2717	202*
SB 2101	175*	SB 2350	114	SB 2736	94*
SB 2105	114*	SB 2352	86*	SB 2739	130*
SB 2106	8	SB 2353	118*	SB 2740	131*
SB 2109	104	SB 2358	23	SB 2741	132*
SB 2111	8*	SB 2360	95	SB 2748	210*
SB 2113	5*	SB 2361	143*	SB 2762	133*
SB 2119	149*	SB 2362	24	SB 2784	26
SB 2125	20	SB 2365	208*	SB 2790	182*
SB 2139	79*	SB 2378	177*	SB 2800	139*
SB 2146	80*	SB 2382	119*	SB 2803	134*
SB 2153	205*	SB 2386	80	SB 2805	135*
SB 2163	105	SB 2400	108	SB 2813	136*
SB 2176	6*	SB 2407	120*	SB 2833	203*
SB 2179	87	SB 2415	94	SB 2835	95*
SB 2183	206*	SB 2425	121*	SB 2840	29*
SB 2187	145	SB 2435	155*	SB 2841	145*
SB 2190	81*	SB 2440	115	SB 2847	96*
SB 2194	81	SB 2452	144*	SB 2854	137*
SB 2213	133	SB 2453	87*	SB 2866	204*
SB 2220	82*	SB 2459	134	SB 2890	97*
SB 2226	207*	SB 2464	116	SB 2918	173*
SB 2227	27*	SB 2490	122*		
SB 2240	21	SB 2491	123*		

*Denotes extraordinary session

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1973 Regular and Extraordinary Sessions

<u>Bill Number</u>	<u>Chapter Number Laws of 1973</u>	<u>Bill Number</u>	<u>Chapter Number Laws of 1973</u>	<u>Bill Number</u>	<u>Chapter Number Laws of 1973</u>
HB 18	10	HB 204	26*	HB 369	170*
HB 21	27	HB 208	196*	HB 373	46
HB 34	153	HB 212	35	HB 376	103*
HB 36	38*	HB 217	123	HB 381	139
HB 41	28	HB 224	137	HB 388	51
HB 47	29	HB 225	17*	HB 389	50*
HB 48	148	HB 233	62	HB 391	184*
HB 51	39*	HB 234	46*	HB 392	157*
HB 52	187*	HB 235	63	HB 396	102
HB 53	212*	HB 238	11	HB 397	126
HB 54	149	HB 240	100	HB 402	140
HB 55	3	HB 249	64	HB 404	141
HB 60	150	HB 252	99*	HB 410	51*
HB 64	156*	HB 257	65	HB 418	104*
HB 65	53	HB 262	118	HB 419	189*
HB 69	40*	HB 263	36	HB 420	158*
HB 71	96	HB 264	47*	HB 422	52*
HB 75	119	HB 268	66	HB 423	53*
HB 76	188*	HB 277	67	HB 428	34*
HB 79	130	HB 279	68	HB 429	159*
HB 84	15*	HB 281	49	HB 435	190*
HB 86	54	HB 284	50	HB 436	73
HB 89	30	HB 287	3*	HB 438	54*
HB 98	120	HB 291	11*	HB 442	191*
HB 105	168*	HB 293	69	HB 444	160*
HB 107	55	HB 300	31*	HB 445	214*
HB 109	31	HB 304	9*	HB 455	74
HB 112	41*	HB 305	183*	HB 460	19*
HB 117	32	HB 306	185*	HB 462	98
HB 119	30*	HB 307	37	HB 463	55*
HB 123	16*	HB 308	38	HB 467	99
HB 124	42*	HB 309	39	HB 476	105*
HB 127	43*	HB 310	40	HB 477	52
HB 128	121	HB 311	41	HB 481	56*
HB 130	97	HB 312	42	HB 482	32*
HB 134	136	HB 320	101	HB 483	161*
HB 137	2*	HB 321	43	HB 485	162*
HB 149	56	HB 324	100*	HB 489	154
HB 153	33	HB 325	44	HB 492	57*
HB 155	57	HB 330	70	HB 497	127
HB 160	44*	HB 331	71	HB 498	215*
HB 161	98*	HB 332	124	HB 502	7*
HB 163	122	HB 337	135	HB 504	142
HB 164	45*	HB 340	213*	HB 531	163*
HB 165	58	HB 342	125	HB 551	75
HB 174	197*	HB 346	101*	HB 564	164*
HB 175	59	HB 351	18*	HB 567	103
HB 176	131	HB 359	138	HB 576	58*
HB 185	60	HB 360	45	HB 580	128
HB 186	195*	HB 361	48*	HB 585	76
HB 194	34	HB 362	102*	HB 589	20*
HB 195	9	HB 363	49*	HB 590	216*
HB 197	169*	HB 364	4*	HB 594	155
HB 198	61	HB 367	72	HB 595	59*

*Denotes extraordinary session

CROSS REFERENCE TABLES

Bill No. to Chapter No.; 1973 Regular and Extraordinary Sessions

<u>Bill Number</u>	<u>Chapter Number Laws of 1973</u>
HB 601	21*
HB 604	60*
HB 617	61*
HB 621	62*
HB 628	63*
HB 638	171*
HB 645	129
HB 648	192*
HB 652	151
HB 665	77
HB 668	22*
HB 674	106*
HB 685	64*
HB 694	78
HB 698	165*
HB 704	217*
HB 705	65*
HB 711	218*
HB 720	219*
HB 721	107*
HB 722	66*
HB 729	132
HB 731	108*
HB 736	67*
HB 741	23*
HB 746	24*
HB 753	35*
HB 758	79
HB 766	186*
HB 769	109*
HB 782	33*
HB 821	68*
HB 827	172*
HB 847	69*
HB 862	193*
HB 894	199*
HB 901	220*
HB 903	70*
HB 933	110*
HB 944	71*
HB 957	72*
HB 993	211*
HB 1005	221*
HB 1007	166*
HB 1008	73*
HB 1019	74*
HB 1034	111*
HB 1055	112*
HB 1060	194*
HB 1061	167*
HB 1099	75*
HB 1105	113*
HB 1108	200*

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1973 Reg. and Extra Sessions

RCW	CH.	SEC.	RCW	CH.	SEC.
01.20.071	AMD	59*	1	09.47.320	REP 218* 29
02.	ADD	22	1-6	09.47.330	REP 218* 29
02.04.031	AMD	106	1	09.47.340	REP 218* 29
02.04.090	AMD	106	2	09.47.350	REP 218* 29
02.06	ADD	114	1, 2	09.47.360	REP 218* 29
02.06.060	AMD	106	3	09.47.370	REP 218* 29
02.08.061	AMD	27*	1	09.47.380	REP 218* 29
02.08.063	AMD	27*	2	09.47.390	REP 218* 29
02.08.065	AMD	27*	3	09.47.400	REP 218* 29
02.10.080	AMD	103*	1	09.47.410	REP 218* 29
02.10.150	AMD	119*	1	09.47.420	REP 218* 29
02.12.010	AMD	106	4	09.47.430	REP 218* 29
02.12.020	AMD	106	5	09.47.440	REP 218* 29
02.12.030	AMD	154*	1	09.59.010	REP 218* 29
02.12.060	AMD	37	1	09.59.020	REP 218* 29
02.12.060	AMD	106	6	09.59.030	REP 218* 29
02.16.060	REP	106	40	09.59.040	REP 218* 29
02.50.030	REP	69*	1	09.59.050	REP 218* 29
02.52.010	AMD	18	1	09.79.010	AMD 154* 122
03.34	ADD	14*	3	09.79.020	AMD 154* 123
03.34.010	AMD	14*	1	09.79.030	AMD 154* 124
03.34.020	AMD	14*	2	09.79.040	AMD 154* 125
03.62.050	AMD	10*	1	09.79.050	AMD 154* 126
03.62.070	AMD	10*	2	09.79.060	AMD 154* 127
04.	ADD	138*	1-4	09.79.070	AMD 154* 128
04.20.020	AMD	154*	2	09.79.080	AMD 154* 129
04.20.060	AMD	154*	3	10	ADD 117* 1-27
04.24.010	AMD	154*	4	10.16.150	AMD 154* 19
04.24.020	AMD	154*	5	10.76.010	REP 117* 29
04.24.030	REP	154*	121	10.76.020	REP 117* 29
04.24.120	REP	154*	121	10.76.030	REP 117* 29
04.84	ADD	84	1-7	10.76.040	REP 117* 29
04.92.010	AMD	44	1	10.76.050	REP 117* 29
06.12.020	AMD	154*	6	10.76.060	REP 117* 29
06.12.030	AMD	154*	7	10.76.070	REP 117* 29
06.12.040	AMD	154*	8	10.76.080	REP 117* 29
06.12.060	AMD	154*	9	10.85.025	AMD 106 9
06.12.260	AMD	154*	10	11	ADD 148 2-10
06.12.290	AMD	154*	11	11.08	ADD 25 1
06.16.010	AMD	154*	12	11.08.111	AMD 76* 1
06.16.020	AMD	154*	13	12.40.010	AMD 128 1
06.16.070	AMD	154*	14	12.40.110	AMD 128 2
06.16.090	AMD	154*	15	13.04.053	AMD 101* 1
07.	ADD	136	2-8	13.07.020	AMD 59* 2
07.	ADD	122*	1-18	14.08.290	AMD 195* 1
07.12.020	AMD	154*	16	15.24.086	AMD 154* 20
07.36.020	AMD	154*	17	15.28.010	AMD 11 1
07.48.240	AMD	154*	18	15.32.430	AMD 31 1
08.04.090	AMD	106	7	15.44.080	AMD 41 1
08.04.160	AMD	106	8	15.65.490	AMD 106 10
09.	ADD	21	1-6	15.76.165	AMD 117 1
09.	ADD	135	1-5	16.52.020	AMD 125 1
09.	ADD	123*	1-9	16.65	ADD 142 3
09.	ADD	218*	1-28	17.12.070	REP 195* 133
09.45	ADD	94*	1	17.12.080	AMD 106 11
09.47.150	REP	218*	29	17.16.120	REP 195* 133
09.47.160	REP	218*	29	17.28.100	AMD 195* 2
09.47.170	REP	218*	29	17.28.252	AMD 195* 3
09.47.300	REP	218*	29	17.28.260	AMD 195* 4
09.47.310	REP	218*	29	18	ADD 106* 1-20

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1973 Req. and Extra Sessions

RCW	CH.	SEC.	RCW	CH.	SEC.	
18	ADD	175*	1-16	18.51	ADD 71*	1, 2
18	ADD	206*	1-15	18.51.010	AMD 108*	1
18	ADD	208*	1-21	18.53	ADD 48	1
18.04.290	AMD	23*	1	18.53	ADD 48	2
18.04.300	AMD	23*	2	18.53	ADD 48	3
18.15	ADD	148*	3	18.53	ADD 48	4
18.15	ADD	148*	10-15	18.53	ADD 48	5
18.15.010	AMD	148*	1	18.53	ADD 48	6
18.15.050	AMD	148*	2	18.57A.060	AMD 77	20
18.15.060	AMD	148*	4	18.64.001	AMD 18*	1
18.15.065	AMD	148*	5	18.64.005	AMD 18*	2
18.15.090	AMD	148*	6	18.71	ADD 110*	2
18.15.097	AMD	148*	7	18.71.030	AMD 110*	1
18.15.100	AMD	148*	8	18.71.095	AMD 4*	1
18.15.110	AMD	148*	9	18.71.096	AMD 4*	2
18.18	ADD	148*	20	18.71.200	AMD 52*	1
18.18.010	AMD	148*	16	18.71A.060	AMD 77	21
18.18.010	AMD	154*	21	18.85	ADD 60*	1
18.18.020	AMD	148*	17	18.85.010	AMD 57*	1
18.18.030	AMD	148*	18	18.85.120	AMD 42*	1
18.18.040	AMD	148*	19	18.88	ADD 133	29
18.18.050	AMD	148*	21	18.88.010	AMD 133	1
18.18.065	AMD	148*	22	18.88.020	AMD 133	2
18.18.090	AMD	148*	23	18.88.030	AMD 133	3
18.18.100	AMD	148*	24	18.88.040	REP 133	30
18.18.110	AMD	148*	25	18.88.050	AMD 133	4
18.18.140	AMD	148*	27	18.88.060	AMD 133	5
18.18.190	AMD	148*	26	18.88.070	AMD 133	6
18.18.220	AMD	148*	28	18.88.080	AMD 133	7
18.18.260	AMD	148*	29	18.88.090	AMD 133	8
18.18.270	AMD	148*	30	18.88.100	AMD 133	9
18.22	ADD	77	28	18.88.110	AMD 133	10
18.22.010	AMD	77	1	18.88.120	AMD 133	11
18.22.020	AMD	77	2	18.88.130	AMD 133	12
18.22.030	AMD	77	3	18.88.140	AMD 133	13
18.22.040	AMD	77	4	18.88.150	AMD 133	14
18.22.050	AMD	77	5	18.88.160	AMD 133	15
18.22.060	AMD	77	6	18.88.170	AMD 133	16
18.22.070	AMD	77	7	18.88.180	AMD 133	17
18.22.081	AMD	77	8	18.88.190	AMD 133	18
18.22.110	AMD	77	9	18.88.200	AMD 133	19
18.22.120	AMD	77	10	18.88.220	AMD 133	20
18.22.130	AMD	77	11	18.88.230	AMD 133	21
18.22.140	AMD	77	12	18.88.240	AMD 133	22
18.22.150	AMD	77	13	18.88.250	AMD 133	23
18.22.160	AMD	77	14	18.88.260	AMD 133	24
18.22.185	AMD	77	15	18.88.265	AMD 133	25
18.22.200	AMD	77	16	18.88.270	AMD 133	26
18.22.210	AMD	77	17	18.88.280	AMD 133	27
18.22.215	AMD	77	18	18.88.285	AMD 133	28
18.22.230	AMD	77	19	19	ADD 13*	1-39
18.27	ADD	161*	2	19	ADD 33*	1, 2
18.27.010	AMD	153*	1	19	ADD 66*	1
18.27.020	AMD	153*	2	19.100.010	AMD 33*	3
18.27.030	AMD	153*	3	19.100.180	AMD 33*	4
18.27.040	AMD	153*	4	19.105	AMD 79*	1
18.27.070	AMD	153*	5	19.16	ADD 20*	8, 9
18.27.090	AMD	153*	6	19.16.120	AMD 20*	1
18.27.090	AMD	153*	1	19.16.160	AMD 20*	2
18.27.120	AMD	153*	7	19.16.230	AMD 20*	3
18.44.230	AMD	163*	1	19.16.350	REP 20*	10

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1973 Reg. and Extra Sessions

RCW		CH.	SEC.	RCW		CH.	SEC.
19.16.360	AMD	20*	4	26.20.080	AMD	154*	36
19.16.370	REP	20*	10	26.24.090	AMD	29	1
19.16.400	AMD	20*	5	26.24.190	AMD	134	1
19.16.430	AMD	20*	6	26.28	ADD	134	9
19.16.440	AMD	20*	7	26.28.020	AMD	154*	38
19.24.100	AMD	108	1	26.28.060	AMD	154*	39
19.60.060	AMD	91*	1	26.28.080	AMD	100	1
19.68.010	AMD	26*	1	26.32	ADD	134	6
19.72.030	AMD	154*	22	26.32	ADD	134	10
20.01	ADD	142	2	26.32.030	AMD	134	2
20.01.130	AMD	142	1	26.32.040	AMD	134	3
21.20	ADD	171*	5-14	26.32.050	AMD	134	4
21.20.210	AMD	171*	1	26.32.080	AMD	134	5
21.20.370	AMD	171*	2	26.37	ADD	134	8
21.20.550	AMD	171*	3	26.37.010	AMD	134	7
21.20.560	AMD	171*	4	26.37.020	AMD	154*	44
23A.08.305	AMD	28	1	27.08.010	AMD	106	12
23A.08.310	AMD	154*	23	27.12.050	AMD	195*	5
23A.08.480	AMD	71	1	27.12.070	AMD	195*	6
23A.32.060	AMD	89	1	27.12.150	AMD	195*	7
24	ADD	17	1-11	27.16.020	AMD	195*	8
24.03.400	AMD	90	1	27.32.010	AMD	35	1
24.06.045	AMD	113	1	27.32.020	AMD	35	2
24.06.290	AMD	70	1	28A.01	ADD	105*	1
24.06.445	AMD	146	1	28A.02.060	REP	32	2
24.06.450	AMD	70	2	28A.02.061	AMD	32	1
24.06.455	AMD	70	3	28A.02.070	REP	32	2
25.04.070	AMD	154*	24	28A.04	ADD	51	2
25.04.250	AMD	154*	25	28A.04	ADD	81	1
26	ADD	157*	1-29	28A.04.110	AMD	106	13
26.04.010	AMD	154*	26	28A.06.010	REP	51	4
26.04.030	AMD	154*	27	28A.06.050	REP	51	4
26.04.040	AMD	154*	28	28A.06.070	REP	51	4
26.04.210	AMD	154*	29	28A.09.200	AMD	63	1
26.08.010	REP	157*	30	28A.24	ADD	45	3
26.08.020	REP	157*	30	28A.24.055	AMD	45	1
26.08.030	REP	157*	30	28A.24.110	AMD	45	2
26.08.040	REP	157*	30	28A.27.010	AMD	51	1
26.08.050	REP	157*	30	28A.28.010	REP	51	4
26.08.060	REP	157*	30	28A.28.020	REP	51	4
26.08.070	REP	157*	30	28A.28.030	REP	51	4
26.08.080	REP	157*	30	28A.28.050	REP	51	4
26.08.090	REP	157*	30	28A.28.060	REP	51	4
26.08.100	REP	157*	30	28A.28.070	REP	51	4
26.08.110	REP	157*	30	28A.28.090	REP	51	4
26.08.120	REP	157*	30	28A.28.100	REP	51	4
26.08.130	REP	157*	30	28A.28.110	REP	51	4
26.08.140	REP	157*	30	28A.28.120	REP	51	4
26.08.150	REP	157*	30	28A.28.130	REP	51	4
26.08.160	REP	157*	30	28A.28.140	REP	51	4
26.08.170	REP	157*	30	28A.31.050	REEN	46	1
26.08.180	REP	157*	30	28A.34.050	AMD	154*	45
26.08.190	REP	157*	30	28A.41	ADD	3*	1
26.08.200	REP	157*	30	28A.41	ADD	195*	152
26.08.210	REP	157*	30	28A.41.130	REEN	46	2
26.08.215	REP	157*	30	28A.41.130	AMD	195*	9
26.08.220	REP	157*	30	28A.41.130	AMD	195*	136
26.08.230	REP	157*	30	28A.41.130	AMD	195*	137
26.16.170	REP	154*	121	28A.41.130	AMD	195*	138
26.20.030	AMD	154*	34	28A.41.130	AMD	195*	139
26.20.050	AMD	154*	35				

*Denotes extraordinary session

TABLE OF RCW SECTIONS AFFECTED BY 1973 Req. and Extra Sessions

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.41.170	AMD	78*	1	28B.40.100	AMD	62	11
28A.48.110	REP	195*	133	28B.40.361	AMD	191*	3
28A.57.230	AMD	47	1	28B.50	ADD	105	1-3
28A.57.240	AMD	47	2	28B.50	ADD	129	1
28A.57.250	AMD	47	3	28B.50.030	AMD	62	12
28A.57.255	AMD	47	4	28B.50.040	AMD	46*	7
28A.57.260	AMD	47	5	28B.50.050	AMD	62	13
28A.57.357	AMD	19	1	28B.50.060	AMD	46*	8
28A.58	ADD	81	2-7	28B.50.060	AMD	62	14
28A.58	ADD	107	3	28B.50.070	AMD	62	15
28A.58	ADD	111	5	28B.50.090	AMD	62	16
28A.58	ADD	125	1	28B.50.100	AMD	62	17
28A.58.136	AMD	107	2	28B.50.130	AMD	62	18
28A.58.420	AMD	9*	1	28B.50.140	AMD	62	19
28A.58.450	AMD	49	1	28B.50.170	AMD	62	20
28A.58.515	AMD	49	3	28B.50.200	AMD	62	21
28A.60	ADD	111	1	28B.50.551	AMD	62	22
28A.60.210	AMD	154*	46	28B.50.560	REP	46*	10
28A.66.010	AMD	111	2	28B.50.570	AMD	62	23
28A.66.040	AMD	111	3	28B.50.570	REP	149*	7
28A.66.050	AMD	72	1	28B.50.471	REP	149*	7
28A.67.070	AMD	49	2	28B.50.572	REP	149*	7
28A.72	ADD	115*	1	28B.50.573	REP	149*	7
28A.88.070	REP	46	4	28B.50.574	REP	149*	7
28B	ADD	120*	1-21	28B.50.575	REP	149*	7
28B.10	ADD	130*	3	28B.50.620	REP	46*	10
28B.10.200	AMD	62	1	28B.50.630	REP	46*	10
28B.10.250	AMD	62	2	28B.50.650	REP	46*	10
28B.10.265	AMD	63	2	28B.50.670	REP	46*	10
28B.10.300	AMD	130*	1	28B.50.680	REP	46*	10
28B.10.400	AMD	149*	1	28B.50.690	REP	62	25
28B.10.405	AMD	149*	2	28B.50.700	REP	62	25
28B.10.410	AMD	149*	3	28B.50.710	REP	62	25
28B.10.415	AMD	149*	4	28B.50.780	REP	62	25
28B.10.420	AMD	149*	5	28B.50.790	REP	62	25
28B.10.510	AMD	62	3	28B.50.864	AMD	62	24
28B.10.660	AMD	9*	3	28B.52	ADD	205*	4,6
28B.10.660	AMD	147*	4	28B.52.020	AMD	205*	1
28B.10.704	AMD	46*	9	28B.52.030	AMD	205*	2
28B.10.720	REP	62	25	28B.52.060	AMD	205*	3
28B.10.822	AMD	62	4	28B.52.080	AMD	205*	5
28B.10.824	AMD	62	5	29.04	ADD	111*	1,3,4
28B.15.041	AMD	46*	1	29.04.030	AMD	165*	1
28B.15.041	AMD	130*	2	29.04.100	AMD	111*	2
28B.15.380	ADD	191*	1	29.07	ADD	21*	2
28B.15.520	AMD	191*	2	29.07	ADD	153	2
28B.15.600	AMD	46*	2	29.07	ADD	199*	1
28B.16.100	AMD	75*	2	29.07.010	AMD	199*	2
28B.16.100	AMD	154	2	29.07.040	REP	199*	3
28B.16.180	AMD	46*	3	29.07.060	AMD	21*	1
28B.16.230	AMD	62	6	29.07.070	AMD	21*	3
28B.19.040	AMD	46*	4	29.07.080	AMD	21*	4
28B.19.110	AMD	46*	5	29.07.090	AMD	21*	5
28B.19.120	AMD	46*	6	29.07.095	AMD	21*	6
28B.20.100	AMD	62	7	29.07.140	AMD	21*	7
28B.20.394	AMD	195*	10	29.13	ADD	4	2,3
28B.20.394	AMD	195*	140	29.13.010	AMD	4	1
28B.20.412	AMD	62	8	29.13.080	AMD	78	1
28B.20.456	AMD	62	9	29.27.060	AMD	118*	1
28B.30.100	AMD	62	10	29.33.220	AMD	102,	1
28B.30.150	AMD	154*	47	29.34.160	AMD	70	1

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RCW	CH.	SEC.	RCW	CH.	SEC.		
29.36	ADD	140	2	31.12.320	AMD	8*	14
29.36	ADD	61*	1	31.24	ADD	90*	2
29.36.060	AMD	140	1	31.24.050	AMD	90*	1
29.39.010	AMD	56	1	32.20	ADD	31*	1-5,8
29.39.030	AMD	4	4	32.20.280	AMD	31*	6
29.42.030	AMD	4	5	32.20.330	AMD	31*	7
29.42.030	AMD	85	1	32.24	ADD	54*	3,4
29.42.040	AMD	4	6	33.04	ADD	130	20
29.42.050	AMD	4	7	33.04.020	AMD	130	22
29.45	ADD	102	5	33.12	ADD	93*	1
29.45.050	AMD	102	2	33.16.040	AMD	130	21
29.45.060	AMD	102	3	33.16.110	AMD	130	25
29.51.170	AMD	121*	1	33.16.120	AMD	130	23
29.54.045	AMD	102	4	33.20.050	AMD	154*	50
29.54.050	AMD	121*	2	33.24	ADD	130	1-4
29.64	ADD	82	1,2	33.24	ADD	130	27,28
29.79	ADD	122	2	33.24.120	AMD	130	26
29.79.040	AMD	118*	2	33.24.230	AMD	130	24
29.79.050	AMD	118*	3	33.24.270	AMD	130	30
29.79.080	AMD	118*	4	33.24.280	AMD	130	31
29.80.010	AMD	4	8	33.40.050	AMD	130	29
29.81	ADD	143*	6-9	33.48	ADD	130	5-19
29.81.010	AMD	143*	1	35.02.150	AMD	164*	1
29.81.020	AMD	143*	2	35.07.180	AMD	195*	11
29.81.030	AMD	143*	3	35.10.240	AMD	195*	12
29.81.040	AMD	143*	4	35.10.315	AMD	195*	13
29.81.050	AMD	143*	5	35.13.015	AMD	164*	2
29.81.100	AMD	4	9	35.13.020	AMD	164*	3
30	ADD	53*	1-34	35.13.040	AMD	164*	4
30.04	ADD	104*	9,10	35.13.050	AMD	164*	5
30.04.120	AMD	104*	1	35.13.060	AMD	164*	6
30.04.210	AMD	104*	2	35.13.080	AMD	164*	7
30.04.230	AMD	92*	1	35.13.090	AMD	164*	8
30.04.240	AMD	99	1	35.13.100	AMD	164*	9
30.04.290	AMD	53*	36	35.13.110	AMD	164*	10
30.08.010	AMD	104*	3	35.13.125	AMD	164*	11
30.08.020	AMD	104*	4	35.13.130	AMD	164*	12
30.08.030	AMD	104*	5	35.13.160	AMD	164*	13
30.08.040	AMD	104*	6	35.13.171	AMD	164*	14
30.08.060	AMD	104*	7	35.13.172	AMD	164*	15
30.08.095	AMD	104*	8	35.13.172	AMD	195*	14
30.08.150	AMD	154*	48	35.13.173	AMD	164*	16
30.20.030	AMD	154*	49	35.13.174	AMD	164*	17
30.24	ADD	89*	1,2	35.13.175	AMD	164*	18
30.40.020	AMD	53*	35	35.21	ADD	125	2
30.44	ADD	54*	1,2	35.21.430	AMD	195*	15
31.12	ADD	8*	4	35.23.170	AMD	76	1
31.12	ADD	8*	15-18	35.23.470	AMD	195*	16
31.12.020	AMD	8*	1	35.24.090	AMD	87*	1
31.12.160	AMD	8*	2	35.24.350	AMD	195*	17
31.12.180	AMD	8*	3	35.24.370	AMD	154*	51
31.12.190	AMD	8*	5	35.27.130	AMD	87*	2
31.12.210	AMD	8*	6	35.27.500	AMD	154*	52
31.12.220	AMD	8*	7	35.30.020	AMD	195*	18
31.12.240	AMD	8*	8	35.31.060	AMD	195*	19
31.12.245	AMD	8*	9	35.32A.060	AMD	195*	20
31.12.260	AMD	8*	10	35.33.061	AMD	67	2
31.12.270	AMD	8*	11	35.33.145	AMD	195*	21
31.12.280	AMD	8*	12	35.38	ADD	126	17
31.12.290	AMD	8*	13	35.38.010	AMD	126	1

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RCW	CH.	SEC.	RCW	CH.	SEC.		
35.38.020	REP	126	18	36.62.090	AMD	195*	37
35.38.030	AMD	126	2	36.68	ADD	65	1,2
35.38.040	AMD	126	3	36.68.480	AMD	195*	38
35.56.190	AMD	195*	22	36.68.520	AMD	195*	39
35.58	ADD	136*	6,7	36.69.140	AMD	195*	40
35.58.090	AMD	195*	23	36.70.320	AMD	172*	1
35.58.273	AMD	136*	1	36.72.050	AMD	28*	1
35.58.274	REP	136*	8	36.82.040	AMD	195*	41
35.58.275	REP	136*	8	36.90.010	AMD	97*	1
35.58.276	REP	136*	8	36.90.020	AMD	97*	2
35.58.277	REP	136*	8	36.90.030	AMD	97*	3
35.58.278	REP	136*	8	36.90.040	AMD	97*	4
35.58.279	AMD	136*	2	36.90.050	AMD	97*	5
35.58.2791	AMD	136*	3	36.90.060	REP	97*	7
35.58.2792	AMD	136*	4	36.93.110	AMD	195*	42
35.58.450	AMD	195*	24	36.95.170	REP	55	1
35.61.210	AMD	195*	25	38.04.030	AMD	154*	55
35.66.050	AMD	154*	53	38.20.010	AMD	154*	56
35.68	ADD	83	1	38.24.010	AMD	106	14
35.80.030	AMD	144*	1	38.44.010	AMD	154*	57
35.82	ADD	198*	2	38.52.030	AMD	154*	58
35.94	ADD	95*	1	38.52.300	AMD	154*	59
35A.11	ADD	81*	1-3	39	ADD	62*	1,2
35A.14.220	AMD	195*	26	39.12.050	AMD	120	1
35A.31.070	AMD	195*	27	39.16.005	AMD	29*	1
35A.33.060	AMD	67	1	39.33.010	AMD	109	1
35A.33.145	AMD	195*	28	39.34.020	AMD	34	1
35A.40.030	AMD	126	4	39.53.010	AMD	25*	1
35A.40.090	AMD	195*	29	39.53.030	AMD	25*	2
35A.40.090	AMD	195*	141	39.53.040	AMD	25*	3
36.16.032	AMD	88*	1	39.53.060	AMD	25*	4
36.17.020	AMD	88*	2	39.53.070	AMD	25*	5
36.18.020	AMD	16	1	39.53.100	AMD	25*	6
36.18.020	REEN	38	1	39.58.010	AMD	126	9
36.21.011	AMD	11*	1	39.58.020	AMD	126	10
36.22.090	AMD	111	4	39.58.050	AMD	126	11
36.23.065	AMD	14	1	39.58.060	AMD	126	12
36.23.070	AMD	14	2	39.58.070	AMD	126	13
36.27.060	AMD	86*	1	40.04.040	AMD	33	1
36.28.100	AMD	154*	54	40.04.090	AMD	33	2
36.29.015	REP	58	1	40.04.100	AMD	33	3
36.29.020	AMD	140*	1	40.10.010	AMD	54	1
36.32.350	AMD	195*	30	40.10.020	AMD	54	2
36.33.060	AMD	38*	1	40.14.040	AMD	54	3
36.33.065	AMD	38*	2	40.14.060	AMD	54	4
36.33.140	AMD	195*	31	40.14.070	AMD	54	5
36.33.220	AMD	195*	32	40.20.020	AMD	95	1
36.33.220	AMD	195*	142	41.04.020	AMD	106	15
36.40.040	REEN	39	1	41.04.036	AMD	106	16
36.40.040	AMD	39	1	41.04.180	AMD	147*	6
36.40.090	AMD	195*	33	41.04.230	AMD	147*	5
36.40.100	AMD	97	1	41.04.250	AMD	99*	1
36.40.300	AMD	195*	34	41.05.010	AMD	147*	12
36.40.300	AMD	195*	143	41.05.020	AMD	147*	1
36.45.030	AMD	36	1	41.05.030	AMD	147*	2
36.47.040	AMD	195*	35	41.05.050	AMD	147*	3
36.48.010	AMD	126	5	41.05.080	AMD	147*	7
36.48.020	AMD	126	6	41.06.070	AMD	133*	1
36.48.080	AMD	126	7	41.06.150	AMD	154	1
36.48.090	AMD	126	8	41.06.150	AMD	75*	1
36.54.080	AMD	195*	36	41.06.370	REP	147*	8

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RCW	CH.	SEC.	RCW	CH.	SEC.
41.08.040	AMD	154*	60	41.40.180	AMD 190* 7
41.16.010	AMD	154*	61	41.40.185	AMD 190* 8
41.16.020	AMD	19*	1	41.40.190	AMD 190* 9
41.16.060	AMD	195*	43	41.40.193	AMD 190* 10
41.16.060	AMD	195*	144	41.40.195	AMD 190* 11
41.16.090	AMD	181*	1	41.40.330	AMD 190* 12
41.16.100	AMD	154*	62	41.40.361	AMD 190* 13
41.16.120	AMD	154*	63	41.44.170	AMD 154* 78
41.16.140	AMD	154*	64	41.44.210	AMD 154* 79
41.16.150	AMD	154*	65	41.48.060	AMD 126 14
41.16.160	AMD	154*	66	41.56	ADD 59 2,3
41.16.170	AMD	154*	67	41.56	ADD 131 1
41.16.230	AMD	154*	68	41.56	ADD 131 3-8
41.18	ADD	181*	2	41.56	ADD 131 10,11
41.18.010	AMD	154*	69	41.56.030	AMD 131 2
41.18.040	AMD	154*	70	41.56.110	AMD 59 1
41.18.045	AMD	154*	71	41.56.420	AMD 131 9
41.18.080	AMD	154*	72	42.18.130	AMD 137 1
41.18.100	AMD	154*	73	42.18.290	AMD 137 2
41.20.010	AMD	16*	1	42.18.300	AMD 137 3
41.20.020	AMD	16*	2	42.18.340	REP 137 4
41.20.030	AMD	143	1	42.28.080	REP 84 1
41.20.050	AMD	181*	3	42.30.070	AMD 66 1
41.20.060	AMD	181*	4	42.30.110	AMD 66 2
41.20.080	AMD	181*	5	42.30.120	AMD 66 3
41.20.085	AMD	181*	6	42.30.140	AMD 66 4
41.20.170	AMD	143	2	43	ADD 123 1-7
41.24.030	AMD	170*	1	43	ADD 139 1-15
41.24.160	AMD	154*	74	43	ADD 15* 1-5
41.24.170	AMD	170*	2	43	ADD 178* 1-8
41.24.180	AMD	154*	75	43.01.090	AMD 82* 1
41.24.180	AMD	170*	3	43.07	ADD 85* 2
41.24.200	AMD	170*	4	43.07.130	AMD 85* 1
41.26.040	AMD	195*	44	43.08	ADD 27 2
41.26.070	AMD	103*	2	43.08.120	AMD 10 1
41.32	ADD	103*	15	43.10	ADD 43 2-5
41.32	ADD	189*	3-5	43.10.010	AMD 43 1
41.32	ADD	189*	9,10,13	43.19	ADD 13 1
41.32	ADD	190*	1	43.19.1925	AMD 104 2
41.32.190	AMD	189*	7	43.20A	ADD 109* 1,2
41.32.200	REP	103*	17	43.21A.065	REP 132 15
41.32.201	AMD	103*	3	43.21C	ADD 179* 1-3
41.32.202	AMD	103*	4	43.22.010	AMD 52* 2
41.32.260	AMD	189*	1	43.22.010	AMD 153* 8
41.32.350	AMD	189*	6	43.22.040	AMD 52* 3
41.32.405	AMD	189*	8	43.22.050	AMD 52* 4
41.32.497	AMD	189*	2	43.22.120	REP 52* 11
41.32.520	AMD	154*	76	43.22.130	REP 52* 11
41.33.020	AMD	154*	77	43.22.140	REP 52* 11
41.40	ADD	23	1	43.22.150	REP 52* 11
41.40	ADD	103*	16	43.22.160	REP 52* 11
41.40	ADD	168*	1-9	43.22.160	AMD 154* 80
41.40	ADD	190*	15	43.22.170	REP 52* 11
41.40.010	AMD	190*	2	43.22.170	AMD 154* 81
41.40.030	AMD	190*	3	43.22.190	REP 52* 11
41.40.071	REP	103*	17	43.22.200	AMD 52* 5
41.40.100	AMD	190*	4	43.22.210	AMD 52* 6
41.40.120	AMD	190*	5	43.22.250	REP 52* 11
41.40.150	AMD	190*	6	43.22.260	AMD 154* 82
41.40.170	AMD	190*	14	43.22.270	AMD 154* 83
				43.22.280	AMD 154* 84

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RCW	CH.	SEC.	RCW	CH.	SEC.
43.22.320	REP	52*	43.75.190	REP	9
43.22.450	AMD	22*	43.75.200	AMD	9
43.22.455	AMD	22*	43.75.210	REP	9
43.22.465	AMD	22*	43.77.020	AMD	12
43.22.475	AMD	22*	43.77.030	AMD	12
43.22.480	AMD	22*	43.78.150	AMD	154*
43.22.485	AMD	22*	43.79	ADD	59*
43.33	ADD	103*	43.79.260	AMD	144
43.37	ADD	64	43.79.270	AMD	144
43.37.010	AMD	64	43.79.280	AMD	144
43.37.020	REP	64	43.79.360	REP	95
43.37.030	AMD	64	43.84	ADD	103*
43.37.040	AMD	64	43.84.011	REP	103*
43.37.050	AMD	64	43.84.031	AMD	103*
43.37.060	AMD	64	43.84.110	AMD	95
43.37.070	REP	64	43.85.010	AMD	126
43.37.080	AMD	64	43.85.030	AMD	126
43.37.090	AMD	64	43.85.040	REP	126
43.37.100	AMD	64	43.85.060	REP	126
43.37.110	AMD	64	43.85.150	REP	126
43.37.120	AMD	64	43.85.170	REP	126
43.37.140	AMD	64	43.85.241	AMD	27
43.37.150	AMD	64	43.88	ADD	100*
43.37.160	AMD	64	43.88.010	AMD	100*
43.37.170	AMD	64	43.88.020	AMD	100*
43.37.180	AMD	64	43.88.030	AMD	100*
43.37.190	AMD	64	43.88.060	AMD	100*
43.43	ADD	202*	43.88.080	AMD	100*
43.43.020	AMD	80*	43.88.090	AMD	100*
43.43.120	AMD	180*	43.88.120	AMD	100*
43.43.220	AMD	180*	43.88.160	AMD	104
43.43.260	AMD	180*	43.88.180	AMD	100*
43.43.270	AMD	180*	43.105	ADD	219*
43.43.280	AMD	180*	43.105.010	AMD	219*
43.43.745	AMD	20	43.105.015	REP	219*
43.51.570	AMD	154*	43.105.020	AMD	219*
43.74.010	AMD	77	43.105.031	REP	219*
43.74.037	AMD	77	43.105.040	REP	219*
43.74.040	AMD	77	43.105.060	AMD	219*
43.74.080	AMD	77	43.120.920	AMD	72*
43.74.085	AMD	77	44	ADD	197*
43.75	ADD	9	44.04.040	AMD	106
43.75	ADD	9	44.04.050	AMD	106
43.75.010	REP	9	44.04.060	AMD	106
43.75.020	REP	9	44.04.090	AMD	106
43.75.030	REP	9	44.04.120	AMD	197*
43.75.040	REP	9	44.40	ADD	210*
43.75.050	REP	9	45.72.050	AMD	195*
43.75.060	REP	9	45.82.020	AMD	195*
43.75.070	REP	9	46.01.130	AMD	103
43.75.090	REP	9	46.01.140	AMD	103
43.75.100	REP	9	46.01.300	REP	103
43.75.105	REP	9	46.04.552	AMD	17*
43.75.110	REP	9	46.10	ADD	128*
43.75.120	REP	9	46.10.040	AMD	128*
43.75.130	REP	9	46.10.070	AMD	128*
43.75.140	REP	9	46.10.080	AMD	128*
43.75.150	REP	9	46.10.150	AMD	128*
43.75.160	REP	9	46.16	ADD	132*
43.75.170	REP	9	46.16	ADD	200*
43.75.180	REP	9			

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46.16.010	AMD	17*	2	47.12.100	REP 177*	8
46.16.020	AMD	132*	22	47.12.105	REP 177*	8
46.16.045	AMD	132*	23	47.12.110	REP 177*	8
46.16.104	AMD	103	6	47.17	ADD 60	1
46.16.106	AMD	103	7	47.17	ADD 151*	5-7
46.16.115	AMD	150*	4	47.17	ADD 151*	9
46.16.355	REP	200*	13	47.17	ADD 151*	17-19
46.16.510	REP	103	8	47.17.065	AMD 151*	1
46.16.520	REP	103	8	47.17.080	AMD 151*	13
46.16.530	REP	103	8	47.17.125	REP 151*	20
46.16.540	REP	103	8	47.17.130	AMD 151*	14
46.16.550	REP	103	8	47.17.155	AMD 151*	2
46.20	ADD	5	1	47.17.195	AMD 151*	3
46.20.100	AMD	154*	87	47.17.220	AMD 151*	20
46.20.311	AMD	36*	1	47.17.235	AMD 151*	4
46.20.322	AMD	154*	88	47.17.535	REP 151*	20
46.44	ADD	1*	1,2	47.17.610	AMD 151*	8
46.44.040	AMD	150*	1	47.17.735	AMD 151*	15
46.44.047	AMD	150*	2	47.17.770	AMD 151*	16
46.44.0941	AMD	1*	3	47.24.010	AMD 95	3
46.44.095	AMD	150*	3	47.26	ADD 126*	5,6
46.52.130	AMD	37*	1	47.26.190	AMD 126*	2
46.61	ADD	88	1	47.26.260	AMD 126*	1
46.64.040	AMD	91	1	47.26.400	AMD 169*	1
46.65.060	AMD	83*	1	47.26.401	AMD 169*	2
46.68.030	AMD	103	3	47.26.404	AMD 169*	3
46.68.100	AMD	124*	1	47.26.420	AMD 169*	4
46.68.120	AMD	195*	47	47.26.421	AMD 169*	5
46.70	ADD	132*	9,21	47.26.424	AMD 169*	6
46.70.005	AMD	111*	1	47.26.450	AMD 126*	3
46.70.011	AMD	132*	2	47.28.030	AMD 116	1
46.70.021	AMD	132*	3	47.28.050	AMD 116	2
46.70.031	AMD	132*	4	47.39.020	AMD 151*	10
46.70.041	AMD	132*	5	47.56.050	AMD 106	25
46.70.051	AMD	132*	6	47.56.180	AMD 106	26
46.70.060	REP	132*	25	47.56.254	AMD 177*	3
46.70.061	AMD	132*	7	47.56.255	AMD 177*	4
46.70.070	AMD	132*	8	47.56.370	REP 151*	20
46.70.081	AMD	132*	10	47.56.371	REP 151*	20
46.70.082	AMD	132*	11	47.56.372	REP 151*	20
46.70.083	AMD	132*	12	47.58.040	AMD 106	27
46.70.090	AMD	132*	13	47.60.060	AMD 106	28
46.70.101	AMD	132*	14	47.60.130	AMD 177*	5
46.70.120	AMD	132*	15	47.64.050	REP 158*	20
46.70.130	AMD	132*	16	48.04.040	REP 107*	4
46.70.140	AMD	132*	17	48.04.090	REP 107*	4
46.70.180	AMD	132*	18	48.05.140	AMD 152*	1
46.70.190	AMD	132*	19	48.12.030	AMD 162*	1
46.70.900	AMD	132*	20	48.12.040	AMD 162*	2
46.72.040	AMD	15	1	48.12.060	AMD 162*	3
46.72.050	AMD	15	2	48.12.150	AMD 162*	4
46.95.120	AMD	115	1	48.12.180	AMD 151	1
47.01.160	AMD	106	21	48.13.010	AMD 151	2
47.04.080	AMD	151*	11	48.13.160	AMD 151	3
47.04.100	AMD	151*	12	48.13.220	AMD 151	4
47.08.080	AMD	106	22	48.13.290	AMD 151	5
47.08.090	AMD	106	23	48.17.330	AMD 107*	1
47.08.100	AMD	106	24	48.17.530	AMD 152*	2
47.12	ADD	177*	1,2	48.17.540	AMD 107*	2
47.12.090	REP	177*	8			

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RCW		CH.	SEC.	RCW		CH.	SEC.
48.18	ADD	163*	3	49.60.010	AMD	214*	1
48.18	ADD	188*	1,2	49.60.020	AMD	141	2
48.18.020	AMD	163*	2	49.60.020	AMD	214*	2
48.18.030	ADD	89*	3	49.60.030	AMD	141	3
48.18.292	AMD	152*	3	49.60.030	AMD	214*	3
48.18.380	REP	163*	11	49.60.040	AMD	141	4
48.18A.020	AMD	163*	4	49.60.120	AMD	141	7
48.18A.030	AMD	163*	5	49.60.120	AMD	214*	4
48.18A.050	AMD	163*	6	49.60.130	AMD	141	8
48.18A.060	AMD	163*	7	49.60.130	AMD	214*	5
48.20	ADD	188*	3	49.60.175	AMD	141	9
48.20.052	AMD	152*	4	49.60.180	AMD	141	10
48.21	ADD	188*	4	49.60.180	AMD	214*	6
48.23.350	AMD	162*	5	49.60.190	AMD	141	11
48.23.360	AMD	162*	6	49.60.190	AMD	214*	8
48.24.010	AMD	147*	11	49.60.200	AMD	141	12
48.24.060	AMD	152*	5	49.60.200	AMD	214*	9
48.24.060	AMD	163*	8	49.60.222	AMD	141	13
48.24.070	AMD	163*	9	49.60.225	AMD	141	14
48.30.010	AMD	152*	6	50.04.030	AMD	73	1
48.31.010	AMD	107*	3	50.04.180	AMD	73	2
48.36	ADD	163*	10	50.04.323	AMD	167*	1
48.36.230	AMD	79	1	50.04.355	AMD	73	3
48.36.360	REP	79	2	50.08.020	AMD	158*	1
48.44	ADD	65*	4	50.12.020	AMD	158*	2
48.44.020	AMD	65*	1	50.12.040	AMD	158*	3
48.44.160	AMD	65*	2	50.12.180	AMD	158*	4
48.44.162	AMD	65*	3	50.16.010	AMD	73	4
49	ADD	29	1-6	50.16.030	AMD	6	1
49	ADD	80	1-27, 29	50.20.010	AMD	73	6
				50.20.030	AMD	167*	2
49.12	ADD	51	3	50.20.070	AMD	158*	5
49.16.010	REP	80	28	50.20.100	AMD	158*	6
49.16.020	REP	80	28	50.20.190	AMD	158*	7
49.16.030	REP	80	28	50.22.010	AMD	73	7
49.16.040	REP	80	28	50.22.070	REP	73	12
49.16.050	REP	80	28	50.22.080	REP	73	12
49.16.060	REP	80	28	50.24	ADD	158*	19
49.16.070	REP	80	28	50.24.040	AMD	158*	8
49.16.080	REP	80	28	50.24.050	AMD	158*	9
49.16.090	REP	80	28	50.24.130	AMD	158*	10
49.16.100	REP	80	28	50.29.010	AMD	158*	11
49.16.110	REP	80	28	50.29.040	AMD	158*	12
49.16.120	REP	80	28	50.29.060	AMD	158*	13
49.16.130	REP	80	28	50.29.070	AMD	158*	14
49.16.160	REP	80	28	50.32.040	AMD	73	8
49.20.010	REP	80	28	50.32.090	AMD	158*	15
49.20.020	REP	80	28	50.32.120	AMD	158*	16
49.20.030	REP	80	28	50.32.130	AMD	158*	17
49.20.040	REP	80	28	50.32.140	AMD	158*	18
49.20.050	REP	80	28	50.44.040	AMD	73	9
49.20.060	REP	80	28	50.44.050	AMD	73	10
49.20.110	REP	80	28	50.44.070	AMD	73	11
49.24.070	AMD	52*	7	51.08.020	AMD	154*	91
49.24.080	AMD	154*	89	51.12	ADD	110	1
49.24.110	AMD	154*	90	51.12.020	AMD	124	1
49.28.070	REP	154*	121	51.12.080	AMD	154*	92
49.44.120	AMD	145	1	51.16.060	AMD	32*	1
49.60	ADD	141	5,6	51.16.105	AMD	52*	8
49.60.010	AMD	141	1	51.16.140	AMD	110	2

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RCW	CH.	SEC.	RCW	CH.	SEC.
51.24.010	AMD	154*	93	57.20.100	AMD 195* 73
51.24.020	AMD	154*	94	57.20.160	AMD 140* 3
51.32.040	AMD	154*	95	58	ADD 50 1-15
51.32.050	AMD	154*	96	58	ADD 12* 1-36
51.32.060	AMD	147	1	58	ADD 159* 1-5
51.32.070	AMD	147	2	58.08.040	AMD 195* 74
51.32.070	AMD	154*	97	58.17	ADD 150 2
51.32.073	AMD	110	3	59	ADD 207* 1-42,
51.32.135	AMD	154*	98		46
51.32.160	AMD	192*	1	59.04	ADD 207* 45
51.40.040	AMD	106	29	59.08	ADD 207* 46
51.44.100	AMD	103*	6	60.04	ADD 47* 1
51.44.110	AMD	106	30	60.28	ADD 62* 3
51.52.110	REEN	40	1	62A.8.102	AMD 98 1
52.08	ADD	125	3	63.32.010	AMD 44* 1
52.08.030	AMD	195*	48	63.36.010	AMD 44* 2
52.08.060	AMD	195*	49	63.36.020	AMD 44* 3
52.12.010	AMD	86	1	63.40.010	AMD 44* 4
52.16.080	AMD	195*	50	65.12.235	AMD 121 1
52.16.120	AMD	195*	51	65.12.660	AMD 195* 75
52.16.130	AMD	195*	52	65.12.790	AMD 121 2
52.16.140	AMD	195*	53	65.12.790	AMD 195* 76
52.16.160	AMD	195*	54	65.16.090	AMD 28* 2
52.36.020	AMD	64*	1	66.08.070	AMD 209* 1
53.06.040	AMD	195*	55	66.12.110	AMD 100 2
53.08	ADD	87	2	66.16.040	AMD 100 3
53.08	ADD	125	4	66.16.040	AMD 209* 3
53.08.080	AMD	87	1	66.20.160	AMD 209* 4
53.08.160	AMD	55*	1	66.20.170	AMD 209* 5
53.08.170	AMD	6*	1	66.20.180	AMD 100 4
53.36.020	AMD	195*	56	66.20.180	AMD 209* 6
53.36.070	AMD	195*	57	66.20.190	AMD 209* 7
53.36.100	AMD	195*	58	66.20.200	AMD 209* 8
53.47.040	AMD	195*	59	66.20.210	AMD 100 5
54.16	ADD	125	5	66.20.210	AMD 209* 9
54.16.080	AMD	195*	60	66.24	ADD 204* 3
54.36.010	AMD	154*	99	66.24.010	AMD 209* 10
54.44.010	AMD	7*	1	66.24.025	AMD 209* 11
54.44.020	AMD	7*	2	66.24.120	AMD 209* 12
54.44.030	AMD	7*	3	66.24.206	AMD 209* 13
54.44.040	AMD	7*	4	66.24.210	AMD 204* 2
54.44.050	AMD	7*	5	66.24.270	AMD 209* 14
54.44.060	AMD	7*	6	66.24.330	AMD 209* 15
56.04.050	AMD	195*	61	66.24.370	AMD 209* 16
56.08	ADD	125	6	66.24.380	AMD 209* 17
56.08.100	AMD	24	1	66.24.500	AMD 209* 18
56.08.110	AMD	195*	62	66.44	ADD 100 12
56.16.010	AMD	195*	63	66.44	ADD 96* 1
56.16.030	AMD	195*	64	66.44.230	REP 209* 20
56.16.040	AMD	195*	65	66.44.270	AMD 100 6
56.16.115	AMD	195*	66	66.44.280	AMD 100 7
56.16.160	AMD	140*	2	66.44.290	AMD 100 8
57	ADD	56*	1-3	66.44.291	REP 100 13
57.04.050	AMD	195*	67	66.44.300	AMD 100 9
57.08	ADD	125	7	66.44.310	AMD 100 10
57.08.100	AMD	24	2	66.44.315	REP 100 13
57.08.110	AMD	195*	68	66.44.320	AMD 209* 19
57.16.020	AMD	195*	69	66.44.340	AMD 100 11
57.16.040	AMD	195*	70	67.08.015	AMD 53 1
57.20.010	AMD	195*	71	67.14.040	AMD 154* 100
57.20.015	AMD	195*	72	67.16	ADD 216* 3,4

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RCW	CH.	SEC.	RCW	CH.	SEC.
67.16.012	AMD	216*	1	71.02.120	REP 142* 66
67.16.050	AMD	39*	1	71.02.130	REP 142* 66
68	ADD	68*	1-11	71.02.140	REP 142* 66
68.05.140	AMD	68*	13	71.02.150	REP 142* 66
68.05.150	AMD	68*	14	71.02.160	REP 142* 66
68.05.160	AMD	68*	15	71.02.170	REP 142* 66
68.05.180	AMD	68*	16	71.02.180	REP 142* 66
68.05.255	AMD	68*	17	71.02.190	REP 142* 66
68.16.230	AMD	195*	77	71.02.200	REP 142* 66
69	ADD	186*	1-7	71.02.210	REP 142* 66
69.04	ADD	112*	1-5	71.02.220	REP 142* 66
69.40.030	AMD	119	1	71.02.230	REP 142* 66
69.40.064	REP	186*	9	71.02.240	REP 142* 66
70	ADD	5*	2-23	71.02.250	REP 142* 66
70	ADD	132	2-14	71.02.255	REP 142* 66
70	ADD	211*	1-9	71.02.260	REP 142* 66
70.12.010	AMD	195*	78	71.02.270	REP 142* 66
70.30.061	AMD	213*	1	71.02.280	REP 142* 66
70.32.010	AMD	195*	79	71.02.290	REP 142* 66
70.32.090	AMD	195*	80	71.02.300	REP 142* 66
70.33.020	AMD	213*	2	71.02.450	REP 142* 66
70.33.030	AMD	213*	3	71.02.650	REP 142* 66
70.33.040	AMD	195*	81	71.03.010	REP 142* 66
70.33.040	AMD	213*	4	71.03.020	REP 142* 66
70.35.040	AMD	213*	5	71.03.030	REP 142* 66
70.35.070	AMD	195*	82	71.03.040	REP 142* 66
70.40.150	AMD	106	31	71.03.050	REP 142* 66
70.44.060	AMD	195*	83	71.03.060	REP 142* 66
70.87.010	AMD	52*	9	71.03.900	REP 142* 66
70.87.030	AMD	52*	10	71.12.560	AMD 142* 1
70.89	ADD	2*	1	71.12.570	AMD 142* 2
70.89	ADD	2*	3-7	71.12.580	REP 142* 66
70.89.010	AMD	2*	2	71.20.110	AMD 191* 85
70.89.020	REP	2*	9	71.24.030	AMD 155* 5
70.89.030	REP	2*	9	72	ADD 118 1-9
70.94	ADD	193*	3	72.01.390	REP 142* 66
70.94	ADD	193*	6-10	72.01.400	REP 142* 66
70.94.011	AMD	193*	1	72.05	ADD 68 1,2
70.94.050	REP	193*	12	72.08.110	REP 142* 66
70.94.091	AMD	195*	84	72.08.170	AMD 106 32
70.94.152	AMD	193*	2	72.19.080	REP 59* 6
70.94.205	AMD	193*	4	72.19.090	REP 59* 6
70.94.334	AMD	193*	5	72.19.091	REP 59* 6
70.94.430	AMD	176*	1	72.23.010	AMD 142* 3
70.94.431	AMD	176*	2	72.23.070	AMD 142* 4
70.94.520	REP	193*	12	72.23.090	REP 142* 66
70.94.530	REP	193*	12	72.23.100	AMD 142* 5
70.94.540	REP	193*	12	72.23.140	REP 142* 66
70.94.550	REP	193*	12	72.23.150	REP 142* 66
70.94.560	REP	193*	12	72.23.220	REP 142* 66
70.96.096	AMD	155*	3	72.23.270	REP 142* 66
70.96A	ADD	92	2	72.25.040	REP 142* 66
70.96A.070	AMD	155*	1	72.33.020	AMD 154* 101
70.98.170	AMD	77	27	72.36.040	AMD 101 1
71	ADD	142*	6-63	72.36.040	AMD 154* 102
71.02.010	REP	142*	66	72.36.050	AMD 154* 103
71.02.020	REP	142*	66	72.36.080	AMD 154* 104
71.02.090	REP	142*	66	72.64.040	AMD 154* 105
71.02.100	REP	142*	66	72.66	ADD 3 18
71.02.110	REP	142*	66	72.66.010	AMD 20 2

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RCW	CH.	SEC.	RCW	CH.	SEC.
72.66.020	REP	20	19	76.04.255	REP 24* 5
72.66.030	REP	20	19	76.04.256	REP 24* 5
72.66.040	REP	20	19	76.04.257	REP 24* 5
72.66.100	REP	122*	18	76.04.260	REP 24* 5
73.04.010	AMD	154*	106	76.04.270	AMD 24* 2
73.08.080	AMD	195*	86	76.04.320	REP 24* 5
73.16.010	AMD	154*	107	76.04.360	AMD 182* 1
73.32.020	AMD	154*	108	76.04.360	AMD 195* 87
73.32.130	REEN	41	1	76.04.385	AMD 24* 3
73.33.010	AMD	154*	109	76.04.515	AMD 24* 4
73.33.020	AMD	154*	110	76.12.050	AMD 50* 1
74.04	ADD	152	2	77.04.070	REP 95 12
74.04	ADD	49*	2	77.12	ADD 200* 1
74.04	ADD	102*	1-5	77.12.170	AMD 200* 12
74.04.060	AMD	152	1	77.12.390	AMD 106 35
74.04.150	REP	195*	133	77.32.230	AMD 58* 1
74.04.300	AMD	49*	1	78.40.606	AMD 154* 114
74.08	ADD	35*	1,2	78.48.080	AMD 106 36
74.08	ADD	51*	1-4	79.08.180	AMD 50* 2
74.08.370	AMD	106	33	79.08.220	REP 57 1
74.09.160	AMD	48*	1	79.08.230	REP 57 1
74.12.340	AMD	154*	111	79.08.240	REP 57 1
74.13.031	AMD	101*	2	79.24.030	AMD 106 37
74.13.106	AMD	61	1	79.48.130	AMD 154* 115
74.13.142	AMD	61	2	80.28.080	AMD 154* 116
74.20.040	AMD	183*	1	81.04	ADD 115 15
74.20.101	AMD	183*	2	81.04.405	AMD 115 2
74.20.220	AMD	154*	112	81.28.080	AMD 154* 117
74.20.230	AMD	154*	113	81.48.030	AMD 115 3
74.20.300	AMD	183*	3	81.53.271	AMD 77* 1
74.20A	ADD	183*	24,25	81.53.281	AMD 115 4
74.20A.030	AMD	183*	4	81.68.050	AMD 115 5
74.20A.040	AMD	183*	5	81.70.060	AMD 115 6
74.20A.050	AMD	183*	6	81.70.095	AMD 115 7
74.20A.060	AMD	183*	7	81.70.100	AMD 115 8
74.20A.070	AMD	183*	8	81.77.050	AMD 115 9
74.20A.080	AMD	183*	9	81.80.090	AMD 115 10
74.20A.090	AMD	183*	10	81.80.150	AMD 115 11
74.20A.100	AMD	183*	11	81.80.180	REP 115 16
74.20A.130	AMD	183*	12	81.80.270	AMD 115 12
74.20A.140	AMD	183*	13	81.80.272	AMD 115 13
74.20A.150	AMD	183*	14	81.84.040	AMD 115 14
74.20A.170	AMD	183*	15	81.94.060	AMD 154* 118
74.20A.180	AMD	183*	16	82	ADD 187* 2-10, 16
74.20A.190	AMD	183*	17		
74.20A.200	AMD	183*	18	82.04.050	AMD 145* 1
74.20A.210	AMD	183*	19	82.04.230	AMD 141* 7
74.20A.220	AMD	183*	20	82.04.240	AMD 141* 8
74.20A.230	AMD	183*	21	82.04.250	AMD 141* 9
74.20A.240	AMD	183*	22	82.04.255	AMD 141* 10
74.20A.250	AMD	183*	23	82.04.260	AMD 141* 11
75.08.090	AMD	93	1	82.04.270	AMD 141* 12
75.08.240	AMD	95	4	82.04.280	AMD 141* 13
75.08.250	AMD	106	34	82.04.290	AMD 141* 14
75.12.010	AMD	220*	2	82.08.030	AMD 141* 5
75.28	ADD	173*	1-5	82.08.150	AMD 204* 1
75.32.070	AMD	63*	1	82.12.030	AMD 141* 6
76.04.251	AMD	24*	1	82.28.010	REP 218* 29
76.04.253	REP	24*	5	82.28.020	REP 218* 29
76.04.254	REP	24*	5	82.28.030	REP 218* 29

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RCW	CH.	SEC.	RCW	CH.	SEC.		
82.28.040	REP	218*	29	84.36.260	AMD	112	1
82.28.050	REP	218*	29	84.36.270	AMD	195*	.95
82.28.060	REP	218*	29	84.36.300	AMD	149	2
82.36.020	AMD	124*	2	84.36.370	AMD	98*	1
82.36.020	AMD	160*	1	84.40.020	AMD	69	1
82.36.060	AMD	96	1	84.40.030	AMD	187*	1
82.36.070	AMD	96	2	84.40.030	AMD	195*	96
82.36.270	AMD	96	3	84.40.040	AMD	195*	97
82.36.306	AMD	96	4	84.40.320	AMD	195*	98
82.36.410	AMD	95	5	84.40.340	AMD	74*	1
82.37.190	AMD	95	6	84.48	ADD	30*	1
82.37.190	AMD	124*	3	84.48.080	AMD	195*	99
82.38.030	AMD	156*	1	84.48.085	AMD	195*	100
82.38.040	AMD	156*	2	84.48.110	AMD	95	11
82.38.080	REEN	42	1	84.52	ADD	141*	4
82.38.100	AMD	156*	3	84.52	ADD	195*	134,
82.38.110	AMD	156*	4				135
82.38.120	AMD	156*	5	84.52.010	AMD	195*	101
82.38.150	AMD	156*	6	84.52.010	AMD	195*	146
82.38.170	AMD	156*	7	84.52.050	AMD	194*	1
83.38.190	AMD	156*	8	84.52.052	AMD	3	1
82.44.150	AMD	136*	5	84.52.052	AMD	195*	102
82.50.902	AMD	103	5	84.52.052	AMD	195*	147
83.16	ADD	127*	1	84.52.054	AMD	195*	103
83.20	ADD	221*	2	84.52.056	AMD	195*	104
83.20.030	AMD	149*	6	84.52.056	AMD	195*	148
83.20.030	AMD	221*	1	84.52.061	REP	195*	133
83.56.050	AMD	146*	1	84.52.061	AMD	195*	149
84.04.140	AMD	195*	88	84.52.063	AMD	195*	105
84.08.050	AMD	95	8	84.52.063	AMD	195*	150
84.12.240	AMD	95	9	84.52.065	AMD	195*	106
84.16.032	AMD	95	10	84.54.020	REP	195*	133
84.28.090	AMD	195*	89	84.55.010	AMD	67*	1
84.33.050	AMD	195*	90	84.55.030	AMD	195*	107
84.33.060	AMD	195*	91	84.55.040	AMD	195*	108
84.33.080	AMD	195*	92	84.55.040	AMD	195*	151
84.33.140	AMD	195*	93	84.55.050	AMD	195*	109
84.34	ADD	212*	4,5	84.56.180	AMD	195*	110
84.34	ADD	212*	10-13	84.56.230	AMD	43*	1
84.34	ADD	212*	15,17-19	84.56.300	AMD	45*	1
84.34.010	AMD	212*	1	85.15.030	AMD	195*	111
84.34.020	AMD	212*	2	85.15.060	AMD	195*	112
84.34.030	AMD	212*	3	85.15.070	AMD	195*	113
84.34.040	REP	212*	21	85.15.140	AMD	195*	114
84.34.050	AMD	212*	6	85.15.160	AMD	195*	131
84.34.060	AMD	212*	7	85.18.010	AMD	195*	115
84.34.070	AMD	212*	8	85.18.030	AMD	195*	116
84.34.080	AMD	212*	9	85.18.080	AMD	195*	117
84.34.110	REP	212*	21	85.18.150	AMD	195*	118
84.34.120	REP	212*	21	85.24.250	AMD	195*	119
84.34.130	REP	212*	21	85.32.030	AMD	195*	120
84.34.140	REP	212*	21	85.32.040	AMD	195*	121
84.34.230	AMD	195*	94	85.32.050	AMD	195*	122
84.34.230	AMD	195*	145	85.32.060	AMD	195*	123
84.36	ADD	112	2-3	85.32.100	AMD	195*	124
84.36	ADD	149	1	85.32.110	AMD	195*	125
84.36	ADD	141*	3	85.32.120	AMD	195*	126
84.36	ADD	187*	11	85.32.210	AMD	195*	127
84.36.040	AMD	154*	119	85.36.030	AMD	195*	128
84.36.120	AMD	154*	120	86.13.010	AMD	195*	130
				86.16	ADD	75	1-3

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TABLE OF RCW SECTIONS AFFECTED BY 1973 Req. and Extra Sessions

RCW		CH.	SEC.	RCW	CH.	SEC.
86.26.110	AMD	106	38			
87.03	ADD	125	8			
87.03.820	AMD	150	1			
87.28.010	AMD	74	1			
87.28.020	AMD	74	2			
87.28.030	AMD	74	3			
87.84.070	AMD	195*	132			
89.08	ADD	184*	24			
89.08.005	AMD	184*	1			
89.08.010	AMD	184*	2			
89.08.020	AMD	184*	3			
89.08.030	AMD	184*	4			
89.08.040	AMD	184*	5			
89.08.050	AMD	184*	6			
89.08.060	AMD	184*	7			
89.08.070	AMD	184*	8			
89.08.080	AMD	184*	9			
89.08.090	AMD	184*	10			
89.08.100	AMD	184*	11			
89.08.110	AMD	184*	12			
89.08.120	AMD	184*	13			
89.08.130	AMD	184*	14			
89.08.140	AMD	184*	15			
89.08.150	AMD	184*	16			
89.08.160	AMD	184*	17			
89.08.170	AMD	184*	18			
89.08.180	AMD	184*	19			
89.08.190	AMD	184*	20			
89.08.200	AMD	184*	21			
89.08.210	AMD	184*	22			
89.08.220	AMD	184*	23			
89.08.340	REP	184*	29			
89.08.350	AMD	184*	25			
89.08.360	AMD	184*	26			
89.08.370	AMD	184*	27			
89.08.380	AMD	184*	28			
89.16.020	AMD	40*	1			
89.16.120	REP	40*	2			
90	ADD	185*	1-15			
90.14.051	AMD	113*	1			
90.16.090	AMD	106	39			
90.44	ADD	94	1			
90.44.035	AMD	94	2			
90.48	ADD	155	5,7			
90.48.010	AMD	155	1			
90.48.070	REP	155	10			
90.48.120	AMD	155	2			
90.48.140	AMD	155	8			
90.48.144	AMD	155	9			
90.48.160	AMD	155	3			
90.48.260	AMD	155	4			
90.58	ADD	203*	3			
90.58.030	AMD	203*	1			
90.58.180	AMD	203*	2			

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TABLE OF SESSION LAW SECTIONS AFFECTED BY 1973 STATUTES

<u>LAWS OF 1854</u>			<u>1973 STATS.</u>		<u>CODE OF 1881 (Cont.)</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 80	33	AMD	154*	122		341	AMD	154*	14
Pg. 80	33	AMD	154*	123		349	AMD	154*	15
Pg. 93	98	REP	218*	29		688	AMD	154*	17
Pg. 93	98	REP	218*	29		747	REP	154*	121
Pg. 104	1,5	AMD	154*	26		813	AMD	154*	125
Pg. 108	38	AMD	154*	19		815	AMD	154*	126
Pg. 121	126	REP	117*	29		816	AMD	154*	128
Pg. 178	252	AMD	154*	14		913	REP	218*	29
Pg. 178	253	AMD	154*	13		1101	REP	117*	29
Pg. 214	456	AMD	154*	17		1247	AMD	154*	18
Pg. 219	487	REP	154*	121		1291	AMD	106	9
Pg. 220	495	AMD	154*	3		1931	AMD	154*	19
Pg. 220	497	REP	154*	121		2364	AMD	154*	38
Pg. 407	2	AMD	154*	38		2406	REP	154*	121
<u>LAWS OF 1866</u>			<u>1973 STATS.</u>		<u>CODE OF 1881 (Bagleys Supp.)</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 83	13,14	AMD	154*	29	Pg. 26	4	AMD	154*	100
<u>LAWS OF 1869</u>			<u>1973 STATS.</u>		<u>LAWS OF 1886</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 4	9	AMD	154*	4	Pg. 39	2	AMD	154*	16
Pg. 4	10	AMD	154*	5	<u>LAWS OF 1888</u>			<u>1973 STATS.</u>	
Pg. 5	11	REP	154*	121	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 88	346	AMD	154*	15	Pg. 210	7	AMD	195*	86
Pg. 222	103	REP	218*	29	<u>LAWS OF 1890</u>			<u>1973 STATS.</u>	
<u>LAWS OF 1873</u>			<u>1973 STATS.</u>		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	Pg. 3	1	AMD	106	18
Pg. 187	37	AMD	154*	124	Pg. 6	1	AMD	106	17
Pg. 205	109	REP	218*	29	Pg. 10	1	AMD	106	19
Pg. 239	262	REP	117*	29	Pg. 322	4	AMD	106	1
<u>LAWS OF 1875</u>			<u>1973 STATS.</u>		Pg. 475	7	REP	84*	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>LAWS OF 1891</u>			<u>1973 STATS.</u>	
Pg. 81	13	AMD	154*	18	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 124	1	AMD	154*	100	14	1	AMD	154*	106
<u>LAWS OF 1877</u>			<u>1973 STATS.</u>		28	79	REP	117*	29
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	74	10	AMD	106	8
Pg. 5	11	REP	154*	121	<u>LAWS OF 1893</u>			<u>1973 STATS.</u>	
Pg. 152	752	REP	154*	121	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
Pg. 284	2	AMD	106	9	129	2	AMD	195*	74
<u>CODE OF 1881</u>			<u>1973 STATS.</u>		<u>LAWS OF 1895</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
	10	AMD	154*	5	Pg. 64	2	AMD	154*	6
	11	REP	154*	21					

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TABLE OF SESSION LAW SECTIONS AFFECTED BY 1973 STATUTES

<u>LAWS OF 1895 (Cont.)</u>			<u>1973 STATS.</u>		<u>LAWS OF 1907 (Cont.)</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
64	3	AMD	154*	7	205	2	REP	80	28
64	21	AMD	154*	10	205	3	REP	80	28
64	25	AMD	154*	11	205	5	REP	80	28
64	30	AMD	154*	8	250	82	AMD	195*	75
64	31	AMD	154*	9	250	95	AMD	121	2
84	1	AMD	154*	107	250	95	AMD	195*	76
95	1	AMD	44	1					
108	4	AMD	154*	57					
126	1,3,4	AMD	100	1					
<u>LAWS OF 1897</u>			<u>1973 STATS.</u>		<u>LAWS OF 1909</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
					39	1	AMD	16*	1
					39	2	AMD	16*	2
					39	5	AMD	181*	4
57	2	AMD	154*	12	39	7	AMD	181*	5
					39	11	AMD	143	1
<u>LAWS OF 1901</u>			<u>1973 STATS.</u>		69	7	AMD	106	37
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	134	4	AMD	154*	57
					174	1	AMD	154*	27
146	1	AMD	125*	1	174	2	AMD	154*	28
172	8	AMD	148*	8	192	19	AMD	110*	1
					225	19	AMD	195*	119
<u>LAWS OF 1903</u>			<u>1973 STATS.</u>		249	183	AMD	154*	122
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	249	185	AMD	154*	124
					249	186	AMD	154*	125
49		ADD	134	8	249	187	AMD	154*	126
49	1	AMD	134	7	249	188	AMD	154*	127
49	2	AMD	154*	44	249	189	AMD	154*	128
104	28	AMD	195*	8	249	195	AMD	154*	39
152	12	AMD	154*	115	249	212	REP	218*	29
					249	213	REP	218*	29
					249	214	REP	218*	29
					249	215	REP	218*	29
<u>LAWS OF 1905</u>			<u>1973 STATS.</u>		249	216	REP	218*	29
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	249	234	AMD	91*	1
					249	264	AMD	119	1
84	1	REP	80	28	249	437	REP	209*	20
84	2	REP	80	28					
84	3	REP	80	28	<u>LAWS OF 1909 EX. SESS.</u>			<u>1973 STATS.</u>	
84	4	REP	80	28	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
84	5	REP	80	28	27	2	REP	209*	20
84	6	REP	80	28					
84	11	REP	80	28	<u>LAWS OF 1911</u>			<u>1973 STATS.</u>	
<u>LAWS OF 1907</u>			<u>1973 STATS.</u>		<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	13	2	AMD	195*	45
30	1	REP	117*	1	18	5	AMD	143	1
30	2	REP	117*	29	74	30	REP	80	28
30	3	REP	117*	29	125	17	REP	24*	5
30	4	REP	117*	29	<u>LAWS OF 1913</u>			<u>1973 STATS.</u>	
30	5	REP	117*	29	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
30	6	REP	117*	29	28	1	AMD	154*	34
30	7	REP	117*	29	28	2	AMD	154*	35
30	8	REP	117*	29	28	3	AMD	154*	36
66	1	AMD	195*	129	54	1	AMD	195*	130
205	1	REP	80	28					

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TABLE OF SESSION LAW SECTIONS AFFECTED BY 1973 STATUTES

<u>LAWS OF 1917</u>			<u>1973 STATS.</u>		<u>LAWS OF 1925</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
36	165	AMD	154*	114	29	1	AMD	195*	57
38	1	AMD	77	1	<u>LAWS OF 1925 EX. SESS. 1973 STATS.</u>				
38	5	AMD	77	11	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
38	6	AMD	77	4	45	1	AMD	18	1
38	10	AMD	77	17	100	1	AMD	44*	1
38	16	AMD	77	16	151	1	REP	40*	2
38	18	AMD	77	3	187	1	AMD	35	1
62	4	AMD	121	1	187	2	AMD	35	2
105	2	AMD	182*	1	<u>LAWS OF 1919</u>				
105	2	AMD	195*	87	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
123	2	AMD	154*	2	130	1	REP	80	28
<u>LAWS OF 1919</u>					<u>1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
130	4	REP	80	28	156	1	AMD	154*	3
130	5	REP	80	28	162	2	AMD	154*	22
130	8	REP	80	28	186	1	AMD	154*	127
130	20	REP	80	28	218	1	REP	40*	2
130	21	REP	80	28	281	2	AMD	148*	16
130	23	REP	80	28	281	2	AMD	154*	21
130	25	REP	80	28	297	1	AMD	154*	35
130	26	REP	80	28	<u>LAWS OF 1929</u>				
130	37	REP	80	28	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
130	50	REP	80	28	94	1	REP	40*	2
130	67	REP	80	28	105	3	AMD	106	39
152	7	REP	195*	133	114	3	AMD	195*	67
152	8	AMD	106	11	114	11	AMD	195*	71
158	12	REP	40*	2	114	18	AMD	195*	73
187	1	AMD	128	1	200	1	AMD	209*	19
187	11	AMD	128	2	209	7	AMD	148*	9
203	9	AMD	29	1	<u>LAWS OF 1929</u>				
203	19	AMD	134	1	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
<u>LAWS OF 1921</u>					<u>1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
99	4	AMD	28*	2	80	1	REP	40*	2
140	6	REP	195*	133	<u>LAWS OF 1933</u>				
<u>LAWS OF 1923</u>					<u>1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
21	1	REP	218*	29	2	1	AMD	209*	19
21	2	REP	218*	29	24	1	REP	40*	2
21	3	REP	218*	29	55	2	AMD	216*	1
75	1	AMD	148*	1	55	6	AMD	39*	1
75	6	AMD	148*	2	173		ADD	8 *	4
75	7	AMD	148*	4	173		ADD	8 * 15-18	
75	14	AMD	148*	6	173	12	AMD	8 *	2
136	12	REP	80	28	173	14	AMD	8 *	3
136	13	REP	80	28	173	15	AMD	8 *	5
159	1	AMD	154*	16	173	17	AMD	8 *	6
184	8	REP	24	5	173	18	AMD	8 *	7
					173	20	AMD	8 *	10
					173	21	AMD	8 *	8
					173	26	AMD	8 *	14

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TABLE OF SESSION LAW SECTIONS AFFECTED BY 1973 STATUTES

<u>LAWS OF 1933 EX. SESS. 1973 STATS.</u>					<u>LAWS OF 1939 (Cont.) 1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
58	6	REP	106	40	148	1	AMD	44*	1
62		ADD	96*	1	172	7	AMD	209*	12
62	7	AMD	100	3	175	6	AMD	106	36
62	7	AMD	209*	3	187	1	AMD	184*	1
62	23-F	AMD	209*	14	187	2	AMD	184*	2
62	23-N	AMD	209*	15	187	3	AMD	184*	3
62	23-R	AMD	209*	16	187	6	AMD	184*	20
62	23-S	AMD	209*	17	187	14	REP	184*	29
62	23-U	AMD	209*	11	191	1	AMD	195*	78
62	24A	AMD	204*	2	209	1	AMD	106	39
62	27	AMD	209*	10					
62	27-C	AMD	209*	12					
62	36-A	AMD	100	10					
62	67	AMD	209*	1					
<u>LAWS OF 1935 1973 STATS.</u>					<u>LAWS OF 1941 1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
					70	3	AMD	195*	49
					78	1	AMD	100	9
					139	1	AMD	64*	1
					150	4	AMD	33	1
31	5	AMD	154*	60	150	5	AMD	33	2
48	4	AMD	77	17	150	6	AMD	33	3
98	1	AMD	18*	1	173	2	AMD	106	20
98	3	AMD	18*	2	194	1	AMD	154*	89
119	11	AMD	106	12	194	4	AMD	154*	90
158	3	AMD	204*	2	204	8	AMD	195*	129
159		ADD	75	1-3	210	4	AMD	195*	61
					210	14	AMD	195*	63
					210	17	AMD	195*	64
					210	18	AMD	195*	65
					252	2	AMD	57*	1
<u>LAWS OF 1937 1973 STATS.</u>					<u>LAWS OF 1943 1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
74	2	AMD	154*	129					
77	1	AMD	50*	1					
131	8	AMD	52*	7					
215	1	AMD	148*	18	17	1	REP	80	28
215	7	AMD	148*	24	112	1	AMD	154*	123
215	8	AMD	148*	17	130	2	AMD	154*	55
215	15	AMD	148*	28	130	42	AMD	106	14
215	18	AMD	148*	19	130	93	AMD	154*	56
217	1	AMD	209*	11	162	1	AMD	195*	79
217	1	AMD	209*	14	211	11	AMD	154*	114
217	1	AMD	209*	15	245	1	AMD	100	10
217	1	AMD	209*	16					
217	1	AMD	209*	17					
218	8	AMD	108	1					
229	1	AMD	106	4					
229	2	AMD	106	5					
229	3	AMD	154*	1					
229	6	AMD	37	1					
229	6	AMD	106	6					
<u>LAWS OF 1939 1973 STATS.</u>					<u>LAWS OF 1945 1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
34		ADD	125	3	35		ADD	158*	19
34	20	AMD	195*	48	35	4	AMD	73	1
34	22	AMD	86	1	35	19	AMD	73	2
93	3	REP	69*	1	35	39	AMD	158*	1
					35	41	AMD	158*	2
					35	43	AMD	158*	3
					35	57	AMD	158*	4
					35	60	AMD	73	4
					35	62	AMD	6	1
					35	68	AMD	73	6
					35	75	AMD	158*	5
					35	78	AMD	158*	6

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LAWS OF 1945 (Cont.)			1973 STATS.		LAWS OF 1947 (Cont.)			1973 STATS.	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
35	87	AMD	158*	7	79	.13.29	AMD	151	5
35	92	AMD	158*	8	79	.17.33	AMD	107*	1
35	93	AMD	158*	9	79	.17.53	AMD	152*	2
35	101	AMD	158*	10	79	.17.54	AMD	107*	2
35	120	AMD	73	8	79	.18.02	AMD	163*	2
35	125	AMD	158*	15	79	.18.03	AMD	89*	3
35	128	AMD	158*	16	79	.18.38	REP	163*	11
35	129	AMD	158*	17	79	.23.35	AMD	162*	5
35	130	AMD	158*	18	79	.23.36	AMD	162*	6
63	5	AMD	120	1	79	.24.01	AMD	147*	11
145		ADD	148	2-10	79	.24.06	AMD	152*	5
182	12	AMD	195*	1	79	.24.06	AMD	163*	8
216	1	AMD	155	1	79	.24.07	AMD	163*	9
216	13	REP	155	10	79	.30.01	AMD	152*	6
216	18	AMD	155	2	79	.31.01	AMD	107*	3
216	20	AMD	155	8	79	.32.23	AMD	79	1
235		ADD	130	1-4	79	.32.36	REP	79	2
235		ADD	130	27,28	80	19	AMD	189*	7
235		ADD	93*	1	80	20	REP	103*	17
235	17	AMD	130	21	80	26	AMD	189*	1
235	25	AMD	130	25	80	35	AMD	189*	6
235	27	AMD	130	23	80	52	AMD	154*	76
235	43	AMD	154*	50	91	1	AMD	154*	61
235	69	AMD	130	26	91	2	AMD	19*	1
235	95	AMD	130	22	91	6	AMD	195*	43
235	106	AMD	130	29	91	6	AMD	195*	144
261	3	AMD	170*	1	91	12	AMD	154*	68
261	16	AMD	154*	74	213	5	AMD	8*	14
261	17	AMD	170*	2	215	9	AMD	158*	1
261	18	AMD	154*	75	215	19	AMD	158*	9
261	18	AMD	170*	3	268		ADD	65*	4
261	20	AMD	170*	4	268	2	AMD	65*	1
263		ADD	94	1	274	1	AMD	190*	2
263	3	AMD	94	2	274	3	AMD	190*	3
264	6	AMD	195*	83	274	11	AMD	190*	4
					274	13	AMD	190*	5
					274	16	AMD	190*	6
					274	18	AMD	190*	14
					274	19	AMD	190*	7
					274	20	AMD	190*	9
					274	34	AMD	190*	12
LAWS OF 1947			1973 STATS.		LAWS OF 1949			1973 STATS.	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
6	23	AMD	195*	77					
24	2	AMD	55*	1					
70	1	AMD	106	15					
71	17	AMD	154*	78					
71	21	AMD	154*	79					
75	7	AMD	195*	7					
79		ADD	163*	3	57	1	AMD	74	1
79		ADD	163*	10	57	2	AMD	74	2
79	.04.04	REP	107*	4	57	3	AMD	74	3
79	.04.09	REP	107*	4	67	1	AMD	209*	4
79	.05.14	AMD	152*	1	67	2	AMD	209*	5
79	.12.03	AMD	162*	1	67	3	AMD	100	4
79	.12.04	AMD	162*	2	67	3	AMD	209*	6
79	.12.06	AMD	162*	3	67	4	AMD	209*	7
79	.12.15	AMD	162*	4	67	5	AMD	209*	8
79	.12.18	AMD	151	1	67	6	AMD	100	5
79	.13.01	AMD	151	2	67	6	AMD	209*	9
79	.13.16	AMD	151	3	135	1	REP	157*	30
79	.13.22	AMD	151	4	180	1	AMD	154*	108
					183	1	AMD	141	1

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<u>LAWS OF 1949 (Cont.)</u>			<u>1973 STATS.</u>		<u>LAWS OF 1949 (Cont.)</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
183	1	AMD	214*	1	215	22	REP	157*	30
183	2	AMD	141	3	223	1	AMD	95	1
183	2	AMD	214*	3	226	28	AMD	23*	1
183	3	AMD	141	4	226	29	AMD	23*	2
183	12	AMD	141	2					
183	12	AMD	214*	2	<u>LAWS OF 1950 EX. SESS. 1973 STATS.</u>				
190	18	AMD	151	4	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
194	1	AMD	195*	1	13	1	AMD	154*	108
197	15	AMD	106	31	<u>LAWS OF 1951 1973 STATS.</u>				
202	1	AMD	133	1	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
202	2	AMD	133	2	29	1	AMD	154*	107
202	3	REP	133	30	45	2	AMD	195*	115
202	4	AMD	133	3	45	4	AMD	195*	116
202	5	AMD	133	4	45	9	AMD	195*	117
202	6	AMD	133	5	45	16	AMD	195*	118
202	7	AMD	133	6	48	2	AMD	53	1
202	8	AMD	133	7	49	1	AMD	106	36
202	9	AMD	133	8	58	7	REP	24*	5
202	10	AMD	133	9	84	1	REP	154*	121
202	11	AMD	133	10	117		ADD	71*	1,2
202	12	AMD	133	11	117	2	AMD	108*	1
202	13	AMD	133	12	125	3	AMD	27*	1
202	14	AMD	133	13	125	5	AMD	27*	2
202	15	AMD	133	14	125	7	AMD	27*	3
202	16	AMD	133	15	178	4	AMD	154*	58
202	17	AMD	133	16	180	2	AMD	148*	21
202	18	AMD	133	17	180	5	AMD	148*	23
202	19	AMD	133	18	180	7	AMD	148*	27
202	20	AMD	133	19	180	8	AMD	148*	26
202	22	AMD	133	20	184	6	AMD	126	14
202	23	AMD	133	21	190	1	AMD	162*	6
202	24	AMD	133	22	222	10	AMD	42*	1
202	25	AMD	133	23	229	6	AMD	152*	4
202	26	AMD	133	24	240	13	AMD	106	38
202	27	AMD	133	26	265	6	AMD	73	2
202	28	AMD	133	27					
214	21	AMD	158*	10	<u>LAWS OF 1951 1ST EX. SESS. 1973 STATS.</u>				
215	1	REP	157*	30	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
215	2	REP	157*	30	24	8	AMD	195*	52
215	3	REP	157*	30	<u>LAWS OF 1951 2ND EX. SESS. 1973 STATS.</u>				
215	4	REP	157*	30	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
215	5	REP	157*	30	24	3	AMD	195*	50
215	6	REP	157*	30	24	7	AMD	195*	51
215	7	REP	157*	30	24	9	AMD	195*	53
215	8	REP	157*	30	25	4	AMD	195*	73
215	9	REP	157*	30					
215	10	REP	157*	30					
215	11	REP	157*	30					
215	12	REP	157*	30					
215	13	REP	157*	30					
215	14	REP	157*	30					
215	15	REP	157*	30					
215	16	REP	157*	30					
215	17	REP	157*	30					
215	18	REP	157*	30					
215	19	REP	157*	30					
215	20	REP	157*	30					
215	21	REP	157*	30					

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LAWS OF 1953			1973 STATS.		LAWS OF 1955 (Cont.)			1973 STATS.	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
133	1	AMD	109	1	36	77.12.170	AMD	200*	12
144	1	AMD	106	2	36	77.12.390	AMD	106	35
160	1	AMD	108*	1	36	77.32.230	AMD	58*	1
162	5	AMD	90*	1	38	1	AMD	106	1
197	15	REP	79	2	38	11	REP	106	40
223	14	AMD	154*	59	59	5	AMD	195*	5
235	6	AMD	42	1	59	7	AMD	195*	6
250	1	AMD	195*	61	59	8	AMD	195*	7
250	10	AMD	195*	63	64	1	AMD	6*	1
250	16	AMD	195*	66	65	9	AMD	87	1
251	1	AMD	195*	67	65	11	AMD	195*	56
251	16	AMD	195*	72	69	1	AMD	16*	1
290	40	AMD	68*	16	70	2	AMD	100	6
290	43	AMD	68*	13	70	3	AMD	100	7
290	44	AMD	68*	14	70	4	AMD	100	8
290	45	AMD	68*	15	71	1	AMD	155	3
					80	6	AMD	31*	7
<u>LAWS OF 1953 EX. SESS.</u>			<u>1973 STATS.</u>		127	1	AMD	154*	129
					142	11	REP	24*	5
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	142	12	AMD	24*	2
8	10	AMD	158*	5	142	13	REP	24*	5
8	14	AMD	158*	7	149	1	AMD	77	1
8	16	AMD	158*	8	149	4	AMD	77	5
					149	5	AMD	77	7
<u>LAWS OF 1955</u>			<u>1973 STATS.</u>		149	6	AMD	77	10
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	149	8	AMD	77	12
12		ADD	173*	1-5	149	9	AMD	77	13
12	75.08.090	AMD	93	1	149	11	AMD	77	15
12	75.08.240	AMD	95	4	149	12	AMD	77	19
12	75.08.250	AMD	106	34	149	14	AMD	77	18
12	75.12.010	AMD	220*	2	213	4	AMD	106	7
12	75.32.070	AMD	63*	1	270	8	AMD	141	7
13		ADD	31*	1-5,	270	8	AMD	214*	4
				8	270	9	AMD	141	8
13	32.20.280	AMD	31*	6	270	9	AMD	214*	5
15	25.04.070	AMD	154*	24	274	5	AMD	189*	7
15	25.04.250	AMD	154*	25	274	6	REP	103*	17
33		ADD	89*	1,2	286	3	AMD	167*	2
33		ADD	104	9,10	291		ADD	134	6
33	30.04.120	AMD	104*	1	291		ADD	134	10
33	30.04.210	AMD	104*	2	291	3	AMD	134	2
33	30.04.230	AMD	92*	1	291	4	AMD	134	3
33	30.04.240	AMD	99	1	291	5	AMD	134	4
33	30.04.290	AMD	53*	36	291	8	AMD	134	5
33	30.08.010	AMD	104*	3	292	1	AMD	154*	109
33	30.08.020	AMD	104*	4	292	2	AMD	154*	110
33	30.08.030	AMD	104*	5	303	28	AMD	107*	1
33	30.08.040	AMD	104*	6	304	3	AMD	184*	4
33	30.08.060	AMD	104*	7	304	4	AMD	184*	5
33	30.08.095	AMD	104*	8	304	5	AMD	184*	6
33	30.08.150	AMD	154*	48	304	6	AMD	184*	7
33	30.20.030	AMD	154*	49	304	7	AMD	184*	8
33	30.40.020	AMD	53*	35	304	9	AMD	184*	10
36		ADD	200*	1	304	10	AMD	184*	11
36	77.04.070	REP	95	12	304	11	AMD	184*	12
					304	12	AMD	184*	13
					304	13	AMD	184*	14
					304	14	AMD	184*	15
					304	15	AMD	184*	16

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<u>LAWS OF 1959 (Cont.)</u>			<u>1973 STATS.</u>		<u>LAWS OF 1959 (Cont.)</u>			<u>1973 STATS.</u>	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
28	72.23.010	AMD	142*	3	280	4	AMD	130	26
28	72.23.070	AMD	142*	4	281	2	AMD	59*	1
28	72.23.090	REP	142*	66	282	21	AMD	171*	1
28	72.23.100	AMD	142*	5	282	37	AMD	171*	2
28	72.23.140	REP	142*	66	282	55	AMD	171*	3
28	72.23.150	REP	142*	66	282	56	AMD	171*	4
28	72.23.220	REP	142*	66	289	2	AMD	44*	2
28	72.23.270	REP	142*	66	289	3	AMD	44*	3
28	72.25.040	REP	142*	66	322	5	AMD	183*	1
28	72.33.020	AMD	154*	101	324	2	AMD	148*	22
28	72.36.040	AMD	101	1	324	3	AMD	148*	21
28	72.36.040	AMD	154*	102	324	8	AMD	148*	28
28	72.36.050	AMD	154*	103	331	2	AMD	59*	2
28	72.36.080	AMD	154*	104					
28	72.64.040	AMD	154*	105					
<u>LAWS OF 1959 EX. SESS.</u>					<u>1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
51	1	REP	142*	66					
51	2	REP	142*	66	10	1	AMD	197*	5
64	4	AMD	195*	3					
68	1	AMD	141	9					
78	2	AMD	181*	6					
84	3	AMD	148*	5					
<u>LAWS OF 1961</u>					<u>1973 STATS.</u>				
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
98	1	REP	80	28	1	15	AMD	154	1
98	2	REP	80	28	1	15	AMD	75*	1
98	3	REP	80	28	11	15.24.086	AMD	154*	20
98	4	REP	80	28	11	15.28.010	AMD	11	1
98	5	REP	80	28	11	15.32.430	AMD	31	1
98	6	REP	80	28	11	15.44.080	AMD	41*	1
103	6	AMD	195*	64	12		ADD	5	1
103	12	AMD	195*	66	12	46.16.010	AMD	17*	2
103	15	AMD	140*	2	12	46.16.020	AMD	132*	22
104	2	AMD	40*	1	12	46.16.045	AMD	132*	23
108	7	AMD	195*	69	12	46.20.100	AMD	154*	87
108	9	AMD	195*	70	12	46.44.040	AMD	150*	1
108	16	AMD	140*	3	12	46.44.047	AMD	150*	2
117	3	AMD	195*	80	12	46.44.095	AMD	150*	3
118	1	AMD	104*	4	12	46.64.040	AMD	91	1
139	13	AMD	142	1	12	46.68.100	AMD	124*	1
145	1	REP	142*	66	12	46.68.120	AMD	195*	47
145	2	REP	142*	66	12	46.70.060	REP	132*	25
149	1	AMD	154*	27	12	46.70.070	AMD	132*	8
149	2	AMD	154*	28	12	46.70.090	AMD	132*	13
151	4	REP	24*	5	12	46.70.120	AMD	132*	15
189	1	AMD	4*	1	12	46.70.130	AMD	132*	16
189	2	AMD	4*	2	12	46.70.140	AMD	132*	17
196	2	REP	142*	66	12	46.72.040	AMD	15	1
196	3	REP	142*	66	12	46.72.050	AMD	15	2
196	4	REP	142*	66	13	47.01.160	AMD	106	21
196	5	REP	142*	66	13	47.04.080	AMD	151*	11
196	6	REP	142*	66	13	47.08.080	AMD	106	22
196	7	REP	142*	66	13	47.08.090	AMD	106	23
196	8	REP	142*	66	13	47.08.100	AMD	106	24
196	9	REP	142*	66	13	47.12.090	REP	177*	8
196	10	REP	142*	66	13	47.12.100	REP	177*	8
235	1	AMD	101	1	13	47.12.105	AMD	177*	8
235	1	AMD	154*	102	13	47.12.110	REP	177*	8
252	11	AMD	106	31	13	47.24.010	AMD	95	3
257	43	AMD	106	37	13	47.28.030	AMD	116	1
266	2	AMD	158*	4					
272	2	REEN	41	1					

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LAWS OF 1961 (Cont.)			1973 STATS.		LAWS OF 1961 (Cont.)			1973 STATS.	
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
13	47.28.050	AMD	116	2	15	84.52.010	AMD	195*	146
13	47.56.050	AMD	106	25	15	84.52.052	AMD	3	1
13	47.56.180	AMD	106	26	15	84.52.052	AMD	195*	102
13	47.56.370	REP	151*	20	15	84.52.052	AMD	195*	147
13	47.58.040	AMD	106	27	15	84.52.054	AMD	195*	103
13	47.60.060	AMD	106	28	15	84.52.056	AMD	195*	104
13	47.60.130	AMD	177*	5	15	84.52.056	AMD	195*	148
13	47.64.050	REP	158*	20	15	84.56.180	AMD	195*	110
14		ADD	115	15	15	84.56.230	AMD	43*	1
14	80.28.080	AMD	154*	116	15	84.56.300	AMD	45*	1
14	81.28.080	AMD	154*	117	17	1	AMD	184*	9
14	81.48.030	AMD	115	3	20	1	AMD	53*	36
14	81.68.050	AMD	115	5	23		ADD	110	1
14	81.80.090	AMD	115	10	23	51.08.020	AMD	154*	91
14	81.80.150	AMD	115	11	23	51.12.020	AMD	124	1
14	81.80.180	REP	115	16	23	51.12.080	AMD	154*	92
14	81.80.270	AMD	115	12	23	51.16.060	AMD	32*	1
14	81.84.040	AMD	115	14	23	51.16.105	AMD	52*	8
14	81.94.060	AMD	154*	118	23	51.16.140	AMD	110	2
15		ADD	141*	3,4	23	51.24.010	AMD	154*	93
15	82.04.230	AMD	141*	7	23	51.24.020	AMD	154*	94
15	82.04.240	AMD	141*	8	23	51.32.040	AMD	154*	95
15	82.04.250	AMD	141*	9	23	51.32.050	AMD	154*	96
15	82.04.260	AMD	141*	11	23	51.32.060	AMD	147	1
15	82.04.270	AMD	141*	12	23	51.32.070	AMD	147	2
15	82.04.280	AMD	141*	13	23	51.32.070	AMD	154*	97
15	82.04.290	AMD	141*	14	23	51.32.135	AMD	154*	98
15	82.08.030	AMD	141*	5	23	51.32.160	AMD	192*	1
15	82.08.150	AMD	204*	1	23	51.40.040	AMD	106	29
15	82.12.030	AMD	141*	6	23	51.44.100	AMD	103*	6
15	82.28.010	REP	218*	29	23	51.44.110	AMD	106	30
15	82.28.020	REP	218*	29	23	51.52.110	REEN	40	1
15	82.28.030	REP	218*	29	31	4	AMD	195*	55
15	82.28.040	REP	218*	29	53	9	AMD	195*	54
15	82.28.050	REP	218*	29	57	3	AMD	154*	75
15	82.28.060	REP	218*	29	57	3	AMD	170*	3
15	82.36.020	AMD	124*	2	57	4	AMD	170*	4
15	82.36.020	AMD	160*	1	69	1	AMD	92*	1
15	82.36.060	AMD	96	1	77	1	AMD	50*	1
15	82.36.070	AMD	96	2	77	4	AMD	50*	2
15	82.36.270	AMD	96	3	94	2	AMD	58*	1
15	82.36.306	AMD	96	4	104	1	AMD	44*	4
15	82.36.410	AMD	95	5	131	4	AMD	195*	120
15	83.56.050	AMD	146*	1	131	5	AMD	195*	121
15	84.08.050	AMD	95	8	131	6	AMD	195*	122
15	84.12.240	AMD	95	9	131	7	AMD	195*	123
15	84.16.032	AMD	95	10	131	11	AMD	195*	124
15	84.28.090	AMD	195*	89	131	12	AMD	195*	125
15	84.36.040	AMD	154*	119	131	13	AMD	195*	126
15	84.36.120	AMD	154*	120	131	22	AMD	195*	127
15	84.40.020	AMD	69	1	153	16	AMD	195*	131
15	84.40.030	AMD	187*	1	191	3	AMD	181*	5
15	84.40.030	AMD	195*	96	194	11	AMD	107*	3
15	84.40.040	AMD	195*	97	197	13	AMD	65*	2
15	84.40.320	AMD	195*	98	207	17	AMD	77	27
15	84.48.080	AMD	195*	99	226	8	AMD	195*	132
15	84.48.110	AMD	95	11	227	10	AMD	154*	79
15	84.52.010	AMD	195*	101	240	1	AMD	184*	1
					240	2	AMD	184*	3

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
240	4	AMD	184*	5	4	36.21.011	AMD	11*	1
240	5	AMD	184*	6	4	36.22.090	AMD	111	4
240	6	AMD	184*	8	4	36.23.065	AMD	14	1
240	7	AMD	184*	9	4	36.23.070	AMD	14	2
240	8	AMD	184*	13	4	36.27.060	AMD	86*	1
240	9	AMD	184*	18	4	36.28.100	AMD	154*	54
240	10	AMD	184*	19	4	36.29.020	AMD	140*	1
240	12	AMD	184*	21	4	36.32.350	AMD	195*	30
240	14	REP	184*	29	4	36.33.060	AMD	38*	1
242	1	AMD	195*	68	4	36.33.140	AMD	195*	31
255	10	AMD	19*	1	4	36.40.040	REEN-AMD	39	1
256	49	AMD	106	10	4	36.40.090	AMD	195*	33
257	3	AMD	177*	3	4	36.40.100	AMD	97	1
257	4	AMD	177*	4	4	36.45.030	AMD	36	1
261	1	AMD	24	1	4	36.47.040	AMD	195*	35
261	2	AMD	24	2	4	36.48.010	AMD	126	5
267	1	AMD	195*	62	4	36.48.020	AMD	126	6
284	4	AMD	110*	1	4	36.48.080	AMD	126	7
288	1	AMD	133	3	4	36.48.090	AMD	126	8
288	3	AMD	133	5	4	36.54.080	AMD	195*	36
288	4	AMD	133	7	4	36.62.090	AMD	195*	37
288	5	AMD	133	8	4	36.69.140	AMD	195*	40
288	6	AMD	133	9	4	36.70.320	AMD	172*	1
288	7	AMD	133	12	4	36.72.050	AMD	28*	1
288	8	AMD	133	13	4	36.82.040	AMD	195*	41
288	9	AMD	133	14	4	36.90.010	AMD	97*	1
288	10	AMD	133	15	4	36.90.020	AMD	97*	2
288	12	AMD	133	19	4	36.90.030	AMD	97*	3
288	13	AMD	133	27	4	36.90.040	AMD	97*	4
288	14	AMD	133	28	4	36.90.050	AMD	97*	5
288	15	AMD	133	25	4	36.90.060	REP	97*	7
294	2	AMD	23*	2	26	1	AMD	52*	9
295	6	AMD	115	9	26	3	AMD	52*	10
297	1	REP	103*	17	38	16	AMD	18*	1
297	2	AMD	103*	3	38	18	AMD	18*	2
297	3	AMD	103*	4	38	22	REP	186*	9
299	10	AMD	14*	1	51	1	AMD	11	1
299	11	AMD	14*	2	59	3	AMD	115	2
299	111	AMD	10*	2	62	1	REP	80	28
302	2	AMD	101*	1	74	1	AMD	154*	55
					75	1	AMD	147*	6
					77	1	AMD	153*	1
					77	2	AMD	153*	2
					77	3	AMD	153*	3
					77	4	AMD	153*	4
8	1	AMD	87	1	77	7	AMD	153*	5
12	46.08.090	AMD	103	2	77	9	AMD	153*	6
21	27	AMD	37*	1	77	9	AMD	161*	1
24	6	AMD	74*	1	82	1	AMD	143	2
299	109	AMD	10*	1	86	1	AMD	163*	9
					101	1	AMD	195*	48
					106	12	AMD	115	1
					110	1	AMD	184*	23
					128		ADD	2*	1
					128		ADD	2*	3-7
4	36.16.032	AMD	88*	1	128	1	AMD	2*	2
4	36.17.020	AMD	88*	2	128	2	REP	2*	9
4	36.18.020	AMD	16	1	128	3	REP	2*	9
4	36.18.020	REEN	38	1	149	1	AMD	154*	56
					154	30	AMD	17*	1

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
159	1	AMD	44	1	7	35.21.430	AMD	195*	15
195	13	AMD	162*	4	7	35.23.170	AMD	76	1
195	20	AMD	162*	5	7	35.23.470	AMD	195*	16
195	21	AMD	152*	5	7	35.24.090	AMD	87*	1
195	21	AMD	163*	8	7	35.24.350	AMD	195*	17
206	7	AMD	154*	112	7	35.24.370	AMD	154*	51
206	8	AMD	154*	113	7	35.27.130	AMD	87*	2
206	15	AMD	183*	3	7	35.27.500	AMD	154*	52
218		ADD	65	1	7	35.30.020	AMD	195*	18
218		ADD	65	2	7	35.31.060	AMD	195*	19
218	9	AMD	195*	38	7	35.38.010	AMD	136	1
218	13	AMD	195*	39	7	35.38.020	REP	126	18
228	30	AMD	154*	111	7	35.38.030	AMD	126	2
241	1	AMD	54	1	7	35.38.040	AMD	126	3
241	2	AMD	54	2	7	35.56.190	AMD	195*	22
					7	35.58.090	AMD	195*	23
					7	35.61.210	AMD	195*	25
					7	35.66.050	AMD	154*	53
					7	35.80.030	AMD	144*	1
					8		ADD	64	17
					8		ADD	100*	9,10
3		ADD	210*	3	8		ADD	82*	1
10	2	AMD	63*	1	8	43.01.090	AMD	10	1
14	3	REP	103*	17	8	43.08.120	AMD	43	1
14	7	AMD	189*	6	8	43.10.010	AMD	104	2
14	16	AMD	189*	2	8	43.19.1925	AMD	52*	2
22	19	AMD	95	6	8	43.22.010	AMD	153*	8
22	19	AMD	124*	3	8	43.22.010	AMD	52*	3
27	2	REP	59*	6	8	43.22.040	AMD	52*	4
27	3	REP	59*	6	8	43.22.050	AMD	52*	11
					8	43.22.120	REP	52*	11
					8	43.22.130	REP	52*	11
					8	43.22.140	REP	52*	11
					8	43.22.150	REP	52*	11
					8	43.22.160	REP	52*	11
					8	43.22.160	AMD	154*	80
					8	43.22.170	REP	52*	11
					8	43.22.170	AMD	154*	81
					8	43.22.190	REP	52*	11
					8	43.22.200	AMD	52*	5
					8	43.22.210	AMD	52*	6
					8	43.22.250	REP	52*	11
					8	43.22.260	AMD	154*	82
					8	43.22.270	AMD	154*	83
					8	43.22.280	AMD	154*	84
					8	43.22.320	REP	52*	11
					8	43.37.010	AMD	64	1
					8	43.37.020	REP	64	19
					8	43.37.030	AMD	64	2
					8	43.37.040	AMD	64	3
					8	43.37.050	AMD	64	4
					8	43.37.060	AMD	64	5
					8	43.37.070	REP	64	19
					8	43.37.080	AMD	64	6
					8	43.37.090	AMD	64	7
					8	43.37.100	AMD	64	8
					8	43.37.110	AMD	64	9
					8	43.37.120	AMD	64	10
					8	43.37.140	AMD	64	11
					8	43.37.150	AMD	64	12

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
8	43.37.160	AMD	64	13	9	29.36.060	AMD	140	1
8	43.37.170	AMD	64	14	9	29.39.010	AMD	56	1
8	43.37.180	AMD	64	15	9	29.42.030	AMD	4	5
8	43.37.190	AMD	64	16	9	29.42.030	AMD	85	1
8	43.43.020	AMD	80*	1	9	29.42.040	AMD	4	6
8	43.43.120	AMD	180*	1	9	29.42.050	AMD	4	7
8	43.43.220	AMD	180*	2	9	29.45.050	AMD	102	2
8	43.43.260	AMD	180*	3	9	29.45.060	AMD	102	3
8	43.43.270	AMD	180*	4	9	29.51.170	AMD	121*	1
8	43.43.280	AMD	180*	5	9	29.54.045	AMD	102	4
8	43.51.570	AMD	154*	85	9	29.54.050	AMD	121*	2
8	43.74.010	AMD	77	22	9	29.79.040	AMD	118*	2
8	43.74.040	AMD	77	24	9	29.79.050	AMD	118*	3
8	43.74.080	AMD	77	25	9	29.79.080	AMD	118*	4
8	43.77.020	AMD	12	1	9	29.80.010	AMD	4	8
8	43.77.030	AMD	12	2	9	29.81.010	AMD	143*	1
8	43.78.150	AMD	154*	86	9	29.81.020	AMD	143*	2
8	43.79.250	REP	144	5	9	29.81.030	AMD	143*	3
8	43.79.260	AMD	144	1	9	29.81.040	AMD	143*	4
8	43.79.270	AMD	144	2	9	29.81.050	AMD	143*	5
8	43.79.280	AMD	144	3	9	29.81.100	AMD	4	9
8	43.79.360	REP	95	12	20	1	AMD	6*	1
8	43.84.110	AMD	95	2	41	1	AMD	154*	121
8	43.85.010	AMD	126	15	45	1	REP	2*	9
8	43.85.030	AMD	126	16	49	1	AMD	100	8
8	43.85.040	REP	126	18	49	2	REP	100	13
8	43.85.060	REP	126	18	53	34	AMD	154*	23
8	43.85.150	REP	126	18	53	51	AMD	71	1
8	43.85.170	REP	126	18	53	114	AMD	89	1
8	43.88.010	AMD	100*	1	78	4	REP	142*	66
8	43.88.020	AMD	100*	2	86	2	AMD	154*	74
8	43.88.030	AMD	100*	3	89	1	AMD	154*	13
8	43.88.060	AMD	100*	4	97	1	AMD	77	6
8	43.88.080	AMD	100*	5	97	3	AMD	77	8
8	43.88.090	AMD	100*	6	109	1	AMD	154*	72
8	43.88.120	AMD	100*	7	123	2	AMD	4	1
8	43.88.160	AMD	104	1	137	2	AMD	1*	3
8	43.88.180	AMD	100*	8	144	1	AMD	154*	89
9		ADD	4	2	145	11.08.111	AMD	76*	1
9		ADD	4	3	150	7	AMD	115	6
9		ADD	82	1,2	150	11	AMD	115	8
9		ADD	102	5	152	1	AMD	145	1
9		ADD	122	2	155	8	REP	103*	17
9		ADD	153	2					
9		ADD	143*	6-9					
9	29.04.030	AMD	165*	1					
9	29.07.010	AMD	199*	2					
9	29.07.040	REP	199*	3					
9	29.07.060	AMD	21*	1	3	1	AMD	148*	16
9	29.07.070	AMD	21*	3	3	1	AMD	154*	21
9	29.07.080	AMD	21*	4	3	2	AMD	148*	18
9	29.07.090	AMD	21*	5	3	3	AMD	148*	22
9	29.07.095	AMD	21*	6	3	6	AMD	148*	23
9	29.07.140	AMD	21*	7	3	7	AMD	148*	24
9	29.13.010	AMD	4	1	3	9	AMD	148*	25
9	29.13.080	AMD	78	1	3	12	AMD	148*	26
9	29.27.060	AMD	118*	1	3	17	AMD	148*	29
9	29.33.220	AMD	102	1	8	1	AMD	149*	6
					8	1	AMD	221*	1
					9	1	REP	117*	29

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>					
203	3	AMD	154*	58										
213	1	AMD	126	14	85	2	AMD	151*	10					
217	1	AMD	184*	4	91	2	AMD	181*	1					
217	2	AMD	184*	20	108	3	AMD	131	2					
223	4	AMD	148*	2	108	11	AMD	59	1					
223	10	AMD	148*	5	109	4	AMD	56	1					
223	12	AMD	148*	6	109	5	AMD	4	4					
223	13	AMD	148*	7	109	27	AMD	70*	1					
223	15	AMD	148*	8	109	28	AMD	121*	1					
223	16	AMD	148*	9	110	16	AMD	195*	85					
235	81	AMD	90	1	111	3	AMD	155*	5					
237	17	REP	107*	4	112	4	AMD	197*	5					
237	18	REP	107*	4	115	1	AMD	219*	1					
238	1	AMD	193*	1	115	2	AMD	219*	3					
238	15	AMD	195*	84	115	4	REP	219*	12					
238	29	AMD	193*	2	115	6	AMD	219*	9					
238	33	AMD	193*	4	117	1	AMD	195*	95					
238	49	AMD	193*	5	119		ADD	81*	1-3					
239	3	AMD	34	1	119	35A.14.220	AMD	195*	26					
					119	35A.31.070	AMD	195*	27					
					119	35A.33.060	AMD	67	1					
					119	35A.33.145	AMD	195*	28					
					119	35A.40.030	AMD	126	4					
					119	35A.40.090	AMD	195*	29					
					119	35A.40.090	AMD	195*	141					
					127	3	REP	142*	66					
					139	14	AMD	155	9					
					146	2	REP	195*	133					
					149	35	AMD	69	1					
					149	36	AMD	195*	97					
					149	40	AMD	74*	1					
					149	43	AMD	112	1					
<u>LAWS OF 1967 EX. SESS.</u>					<u>1973 STATS.</u>		<u>LAWS OF 1969</u>					<u>1973 STATS.</u>		
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
2	1	REP	103*	17										
32	2	AMD	4	7	1	2	AMD	36*	1					
33	1	AMD	195*	106	6	8	AMD	33	1					
34	3	AMD	14	2	12	1	AMD	180*	1					
57	1	AMD	28*	2	12	6	AMD	180*	4					
74	1	AMD	132*	1	12	7	AMD	180*	5					
74	2	AMD	132*	20	21	3	AMD	204*	2					
74	3	AMD	132*	2	28	2	REP	126	18					
74	4	AMD	132*	3	55	7	AMD	31*	6					
74	5	AMD	132*	4	59	5	AMD	147*	5					
74	6	AMD	132*	5	60	1	AMD	41*	1					
74	7	AMD	132*	6	65	3	AMD	8*	5					
74	8	AMD	132*	10	65	5	AMD	8*	7					
74	9	AMD	132*	11	65	6	AMD	8*	8					
74	10	AMD	132*	12	65	7	AMD	8*	9					
74	11	AMD	132*	14	65	8	AMD	8*	10					
74	13	AMD	132*	7	65	9	AMD	8*	11					
74	16	AMD	132*	18	65	10	AMD	8*	12					
74	21	AMD	132*	19	85	1	AMD	117	1					
74	26	REP	132*	25	104	2	AMD	163*	4					
74	29	REP	132*	25	104	3	AMD	163*	5					
75	3	AMD	209*	15	104	5	AMD	163*	6					
75	7	AMD	209*	16	104	6	AMD	163*	7					
81	1	AMD	154*	4										
83	5	AMD	95	6										
83	5	AMD	124*	3										
83	25	AMD	126*	2										
83	32	AMD	126*	1										
83	36	AMD	169*	1										
83	37	AMD	169*	2										
83	40	AMD	169*	3										
83	45	AMD	169*	4										
83	46	AMD	169*	5										
83	49	AMD	169*	6										

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
107	13	AMD	130	30					
107	14	AMD	130	31	167	3	AMD	141	4
112	1	AMD	132*	18	167	4	AMD	141	13
114	6	AMD	23*	1	167	7	AMD	141	14
115	1	AMD	65*	1	168	1	AMD	193*	1
115	3	AMD	65*	2	168	7	AMD	195*	84
115	9	AMD	65*	3	168	20	AMD	193*	2
118	5	AMD	170*	2	168	23	AMD	193*	4
128	3	REP	103*	17	168	35	AMD	193*	5
128	6	AMD	190*	6	168	47	REP	193*	12
132	4	AMD	115	6	168	48	REP	193*	12
132	8	AMD	115	7	168	49	REP	193*	12
132	9	AMD	115	8	168	50	AMD	193*	12
134	2	AMD	77*	1	168	51	REP	193*	12
134	3	AMD	115	4	168	53	AMD	176*	2
136	3	AMD	104*	3	170	15	AMD	150*	4
136	4	AMD	104*	8	171	6	AMD	126*	3
136	6	AMD	53*	35	173	15	AMD	154*	112
193	19	REP	126	18	173	16	AMD	183*	2
281	55	AMD	150*	3	173	18	AMD	49*	1
					176	26	AMD	195*	8
					176	101	REP	32	2
					176	131	AMD	47	2
					176	133	AMD	47	4
					178	4	AMD	209*	14
					178	5	AMD	209*	17
					178	9	AMD	209*	18
					180	1	AMD	116	2
					193	1	AMD	126	9
					193	2	AMD	126	10
					193	5	AMD	126	11
					193	6	AMD	126	12
					193	7	AMD	126	13
					193	14	AMD	126	15
					193	15	AMD	126	16
					193	16	REP	126	18
					193	17	REP	126	18
					193	20	REP	126	18
					193	22	AMD	126	1
					193	23	REP	126	18
					193	24	AMD	126	2
					193	25	AMD	126	3
					193	26	AMD	140*	1
					193	27	AMD	126	5
					193	28	AMD	126	6
					199	3	AMD	10*	1
					199	27	AMD	73	4
					199	33	AMD	200*	12
					201	1	AMD	6	1
					207	2	AMD	154*	34
					209	4	AMD	195*	44
					209	7	AMD	103*	2
					209	25	AMD	154*	71
					209	26	AMD	181*	6
					209	27	AMD	143	2
					209	28	AMD	154*	73
					209	29	AMD	154*	70
					209	40	AMD	154*	69
					210	12	AMD	115	12

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<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
21	10	AMD	209*	13
27	1	REP	9	8
27	2	REP	9	8
27	3	REP	9	8
34	13	AMD	49	1
34	18	AMD	49	3
36	10	AMD	154	2
36	10	AMD	75*	2
36	17	AMD	46*	3
38	1	AMD	100	11
40	3	AMD	37*	1
43	1	AMD	28*	1
58	5	AMD	28	1
63	1	AMD	132*	2
63	4	AMD	132*	14
89	7	AMD	195*	12
89	14	AMD	195*	13
95	8	AMD	67	2
95	22	AMD	195*	21
99	5	AMD	68*	17
108	1	AMD	52*	9
120	9	AMD	113	1
120	58	AMD	70	1
120	89	AMD	146	1
120	90	AMD	70	2
120	91	AMD	70	3
124	1	AMD	149	2
124	5	AMD	195*	110
127	3	AMD	144*	1
150	6	REP	103*	17
150	12	AMD	189*	8
165	5	AMD	198*	1
167	1	AMD	141	1
167	2	AMD	141	3

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
212	1	REP	219*	12	223	28A.58.136	AMD	107	2
212	2	REP	219*	12	223	28A.58.420	AMD	9*	1
212	3	REP	219*	12	223	28A.58.450	AMD	49	1
215	11	AMD	131	9	223	28A.60.210	AMD	154*	46
215	14	AMD	62	6	223	28A.66.010	AMD	111	2
219	2	AMD	181*	4	223	28A.66.040	AMD	111	3
221	6	AMD	106	3	223	28A.66.050	AMD	72	1
222	19	AMD	62	4	223	28A.88.070	REP	46	4
222	20	AMD	62	5	223	28B.10.200	AMD	62	1
223		ADD	3*	1	223	28B.10.250	AMD	62	2
223		ADD	51	2	223	28B.10.300	AMD	130*	1
223		ADD	81	1	223	28B.10.400	AMD	149*	1
223		ADD	81	2-7	223	28B.10.405	AMD	149*	2
223		ADD	105	1-3	223	28B.10.410	AMD	149*	3
223		ADD	107	3	223	28B.10.415	AMD	149*	4
223		ADD	111	1	223	28B.10.420	AMD	149*	5
223		ADD	111	5	223	28B.10.510	AMD	62	3
223		ADD	125	1	223	28B.10.660	AMD	9*	2
223		ADD	138	1	223	28B.10.660	AMD	147*	4
223		ADD	105*	1	223	28B.15.380	AMD	191*	1
223		ADD	115*	1	223	28B.15.600	AMD	46*	2
223		ADD	120*	1-21	223	28B.20.100	AMD	62	7
223		ADD	130*	3	223	28B.20.394	AMD	195*	10
223	28A.02.060	REP	32	2	223	28B.20.394	AMD	195*	140
223	28A.04.110	AMD	106	13	223	28B.20.412	AMD	62	8
223	28A.06.010	REP	51	4	223	28B.20.456	AMD	62	9
223	28A.06.050	REP	51	4	223	28B.30.100	AMD	62	10
223	28A.06.070	REP	51	4	223	28B.30.150	AMD	154*	47
223	28A.24.055	AMD	45	1	223	28B.40.100	AMD	62	11
223	28A.28.010	REP	51	4	223	28B.50.030	AMD	62	12
223	28A.28.020	REP	51	4	223	28B.50.040	AMD	46*	7
223	28A.28.030	REP	51	4	223	28B.50.050	AMD	62	13
223	28A.28.050	REP	51	4	223	28B.50.060	AMD	62	14
223	28A.28.060	REP	51	4	223	28B.50.060	AMD	46*	8
223	28A.28.070	REP	51	4	223	28B.50.070	AMD	62	15
223	28A.28.090	REP	51	4	223	28B.50.090	AMD	62	16
223	28A.28.100	REP	51	4	223	28B.50.130	AMD	62	18
223	28A.28.110	REP	51	4	223	28B.50.170	AMD	62	20
223	28A.28.120	REP	51	4	223	28B.50.200	AMD	62	21
223	28A.28.130	REP	51	4	223	28B.50.560	REP	46*	10
223	28A.28.140	REP	51	4	223	28B.50.570	AMD	62	23
223	28A.31.050	REEN	46	1	223	28B.50.570	REP	149*	7
223	28A.34.050	AMD	154*	45	223	28B.50.620	REP	46*	10
223	28A.41.130	REEN	46	2	223	28B.50.630	REP	46*	10
223	28A.41.130	AMD	195*	136	223	28B.50.650	REP	46*	10
223	28A.41.130	AMD	195*	137	223	28B.50.670	REP	46*	10
223	28A.41.130	AMD	195*	138	223	28B.50.680	REP	46*	10
223	28A.41.130	AMD	195*	139	223	28B.50.690	REP	62	25
223	28A.41.170	AMD	78*	1	223	28B.50.700	REP	62	25
223	28A.48.110	REP	195*	133	223	28B.50.710	REP	62	25
223	28A.57.230	AMD	47	1	223	28B.50.780	REP	62	25
223	28A.57.240	AMD	47	2	223	28B.50.790	REP	62	25
223	28A.57.250	AMD	47	3	233	1	AMD	216*	1
223	28A.57.255	AMD	47	4	234	13	AMD	137	1
223	28A.57.260	AMD	47	5	234	29	AMD	137	2
					234	30	AMD	137	3
					234	39	REP	137	4

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
239	9	AMD	100*	2	2	15	AMD	158*	13
241	3	AMD	152*	1	2	16	AMD	158*	14
241	7	AMD	151	3	2	19	AMD	167*	1
241	11	AMD	152*	2	2	20	AMD	167*	2
241	12	AMD	152*	4	6	2	AMD	195*	44
241	20	AMD	152*	3	6	19	AMD	170*	1
243	2	AMD	195*	54	8	1	AMD	145*	1
243	3	AMD	195*	46	8	4	AMD	194*	1
245	1	AMD	154*	119	11	1	AMD	195*	24
250	1	REP	100	13	15	16	AMD	49	2
252	2	AMD	97	1	15	17	AMD	62	19
255		ADD	136*	6,7	17	2	AMD	154*	26
255	8	AMD	136*	1	17	4	AMD	163*	2
255	9	REP	136*	8	17	5	AMD	154*	29
255	10	REP	136*	8	23	2	AMD	14*	2
255	11	REP	136*	8	28	1	REP	157*	30
255	12	REP	136*	8	33	2	REP	186*	9
255	13	REP	136*	8	35	3	AMD	189*	2
255	14	AMD	136*	2	39	1	AMD	147*	12
255	19	AMD	136*	3	39	2	AMD	147*	1
255	20	AMD	136*	4	39	3	AMD	147*	2
261	1	REP	9	8	39	5	AMD	147*	3
261	18	AMD	62	12	39	8	AMD	147*	7
261	19	AMD	62	13	39	9	REP	147*	8
261	20	AMD	62	14	39	10	AMD	147*	6
261	21	AMD	62	16	39	11	AMD	147*	5
261	22	AMD	62	17	42	2	AMD	195*	6
261	28B.50.100	AMD	62	17	42	16	AMD	195*	29
261	29	AMD	191*	2	42	16	AMD	195*	141
262	66	REP	195*	133	42	19	AMD	195*	39
269	6	AMD	181*	3	42	20	AMD	195*	40
269	9	AMD	191*	3	42	30	AMD	195*	50
270	8	AMD	87*	1	44	1	AMD	22*	1
270	9	AMD	87*	2	44	2	AMD	22*	2
271	34	AMD	195*	74	44	4	AMD	22*	3
283	3	REP	62	25	44	6	AMD	22*	4
283	7	AMD	62	22	44	7	AMD	22*	5
283	13	AMD	32	1	44	8	AMD	22*	6
283	28	AMD	62	20	47	2	AMD	195*	35
283	42	AMD	62	24	47	3	AMD	195*	55
283	46	REP	149*	7	47	4	AMD	195*	62
283	47	REP	149*	7	47	5	AMD	195*	68
283	48	REP	149*	7	47	6	AMD	195*	78
283	49	REP	149*	7	47	9	AMD	195*	86
283	50	REP	149*	7	51		ADD	60	1
284	14	AMD	113*	1	51		ADD	151*	5-7
					51		ADD	151*	9
					51		ADD	151*	17-19
					51	14	AMD	151*	1
					51	17	AMD	151*	13
					51	26	REP	151*	20
					51	27	AMD	151*	14
					51	32	AMD	151*	2
					51	40	AMD	151*	3
					51	45	REP	151*	20
					51	48	AMD	151*	4
					51	108	REP	151*	20

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Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
51	123	AMD	151*	8	3	16	AMD	158*	11
51	148	AMD	151*	1	3	21	AMD	73	9
51	155	AMD	151*	16	3	22	AMD	73	10
52	6	AMD	164*	2	3	24	AMD	73	11
56	5	AMD	195*	4	15	1	AMD	10	1
56	64	AMD	106	27	22	2	AMD	89	1
56	65	AMD	106	28	24	3	AMD	45	1
56	80	AMD	195*	65	29	1	AMD	14	1
56	83	AMD	195*	71	30	1	AMD	106	4
56	99	AMD	74	2	30	4	AMD	106	5
65	3	AMD	141*	10	30	5	AMD	154*	1
68	1	AMD	190*	11	30	6	AMD	37	1
79	2	REP	149*	7	31	1	REP	9	8
83	1	AMD	128	1	31	2	REP	9	8
87		ADD	212*	5	32	4	REEN	46	1
87		ADD	212*	10-13	33	1	AMD	34	1
87		ADD	212*	15,	40	1	AMD	18	1
				17-19	42	3	AMD	33	3
87	1	AMD	212*	1	48	10	REP	51	4
87	2	AMD	212*	2	48	11	REP	51	4
87	3	AMD	212*	3	48	12	REEN	46	1
87	4	REP	212*	21	48	37	AMD	154*	46
87	5	AMD	212*	6	48	53	REP	46	4
87	6	AMD	212*	7	51	1	AMD	115	1
87	7	AMD	212*	8	53	3	AMD	47	5
87	8	AMD	212*	9	66	1	AMD	52*	10
87	11	REP	212*	21	66	2	AMD	52*	2
87	12	REP	212*	21	66	2	AMD	153*	8
87	13	REP	212*	21	67	5	AMD	19	1
87	14	REP	212*	21	69	1	AMD	164*	11
88	13	AMD	155	9	69	2	AMD	164*	12
92	2	AMD	195*	43	70	1	AMD	209*	10
92	2	AMD	195*	144	70	2	AMD	209*	11
92	3	REP	195*	133	78	1	AMD	45	2
92	7	REP	195*	133	81	49	REP	117*	29
92	8	REP	195*	133	81	50	REP	117*	29
92	8	AMD	195*	149	81	51	REP	117*	29
92	9	AMD	195*	105	81	52	REP	117*	29
92	9	AMD	195*	150	81	70	REP	157*	30
103	2	REP	9	8	81	74	AMD	165*	1
103	3	REP	9	8	81	119	AMD	158*	16
103	4	REP	9	8	81	120	AMD	158*	17
103	6	REP	9	8	289	37	AMD	154*	93
103	7	REP	9	8					
103	8	REP	9	8					
103	9	REP	9	8					
103	10	REP	9	8					
103	11	REP	9	8					
<u>LAWS OF 1971</u>					<u>LAWS OF 1971 EX. SESS.</u>				
1973 STATS.					1973 STATS.				
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
					10	1	AMD	54	5
					11	1	AMD	141*	5
					15	1	AMD	100	3
					15	1	AMD	209*	3
					15	2	AMD	209*	4
					15	3	AMD	209*	5
1	2	AMD	73	7	15	4	AMD	100	4
1	8	REP	73	12	15	4	AMD	209*	6
1	9	REP	73	12	15	5	AMD	209*	7

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		1973 STATS.					1973 STATS.		
Ch.	Sec.	Action	Ch.	Sec.	Ch.	Sec.	Action	Ch.	Sec.
15	6	AMD	209*	8	114	4	REP	200*	13
15	7	AMD	100	5	115	1	AMD	106	21
15	7	AMD	209*	9	122	1	AMD	85*	1
19	1	AMD	154	2	124	1	AMD	102	1
19	2	AMD	154	1	125	2	AMD	150	1
23	1	REP	9	8	133	1	AMD	71	1
25	1	AMD	195*	32	134	1	AMD	24*	1
25	1	AMD	195*	142	143	1	AMD	115	3
25	2	AMD	195*	41	145	4	AMD	143*	4
28	3	AMD	46*	9	145	5	AMD	4	9
29		ADD	128*	5	147	1	AMD	14*	1
29	4	AMD	128*	1	154	1	AMD	9	1
29	7	AMD	128*	2	154	2	REP	9	8
29	8	AMD	128*	3	155	17	REP	55	1
29	15	AMD	128*	4	159	1	AMD	82*	1
30	6	AMD	77	21	162	4	AMD	195*	59
30	12	AMD	77	20	164		ADD	183*	24, 25
57	4	AMD	46*	4	164	3	AMD	183*	4
57	11	AMD	46*	5	164	4	AMD	183*	5
57	12	AMD	46*	6	164	5	AMD	183*	6
58	2	AMD	20	2	164	6	AMD	183*	7
58	3	REP	20	19	164	7	AMD	183*	8
58	4	REP	20	19	164	8	AMD	183*	9
58	5	REP	20	19	164	9	AMD	183*	10
63	3	AMD	61	1	164	10	AMD	183*	11
63	16	AMD	61	2	164	13	AMD	183*	12
69	1	AMD	91	1	164	14	AMD	183*	13
72	1	REP	126	18	164	15	AMD	183*	14
72	2	AMD	27	1	164	17	AMD	183*	15
73	29	AMD	151*	10	164	18	AMD	183*	16
74	1	AMD	132*	5	164	19	AMD	183*	17
74	2	AMD	132*	6	164	20	AMD	183*	18
74	3	REP	132*	25	164	21	AMD	183*	19
74	4	AMD	132*	8	164	22	AMD	183*	20
74	5	AMD	132*	11	164	23	AMD	183*	21
74	6	AMD	132*	12	164	24	AMD	183*	22
74	7	AMD	132*	13	164	25	AMD	183*	23
74	8	AMD	132*	17	165	1	AMD	198*	1
74	9	REP	132*	25	170	4	AMD	104	1
78	1	AMD	116	1	175	4	AMD	156*	1
81	1	AMD	141	7	175	5	AMD	156*	2
81	2	AMD	141	8	175	9	REEN	42	1
81	3	AMD	141	10	175	11	AMD	156*	3
81	4	AMD	141	11	175	12	AMD	156*	4
81	5	AMD	141	12	175	13	AMD	156*	5
83	1	AMD	27	2	175	16	AMD	156*	6
83	2	AMD	27	3	175	18	AMD	156*	7
83	5	AMD	27	1	175	20	AMD	156*	8
84	1	AMD	195*	85	182	7	AMD	142	1
85	2	AMD	11*	1	196		ADD	205*	4, 6
85	3	AMD	195*	30	196	2	AMD	205*	1
85	4	REEN	39	1	196	3	AMD	205*	2
85	4	AMD	39	1	196	5	AMD	205*	3
100	2	REP	195*	133	196	7	AMD	205*	5
105	1	AMD	195*	52	199	1	REP	136*	8
109		ADD	179*	1-3	202	3	AMD	111*	2
					202	4	AMD	199*	2

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202	6	REP	199*	3	253	34	AMD	20*	6
202	8	AMD	21*	1	253	35	AMD	20*	7
202	9	AMD	21*	3	261	1	AMD	148*	1
202	10	AMD	21*	4	261	2	AMD	149*	2
202	11	AMD	21*	5	261	3	AMD	149*	3
202	12	AMD	21*	6	261	4	AMD	149*	4
202	18	AMD	21*	7	264	1	AMD	99*	1
207	5	AMD	24*	3	266	2	AMD	148*	4
207	8	AMD	24*	4	266	3	AMD	148*	27
207	14	AMD	182*	1	266	4	AMD	77	10
207	14	AMD	195*	87	266	18	AMD	133	18
213	1	AMD	183*	1	267	8	AMD	103*	1
214	1	AMD	38*	1	267	15	AMD	119*	1
214	2	AMD	38*	2	269	2	AMD	9*	1
216	2	AMD	103*	2	269	3	AMD	9*	2
218	2	AMD	195*	83	269	3	AMD	147*	4
222	6	AMD	31*	7	271	1	AMD	189*	1
227	1	AMD	77	26	271	3	AMD	190*	3
227	2	AMD	77	23	271	4	AMD	190*	5
231	8	AMD	103	2	271	6	AMD	190*	11
231	12	REP	103	8	277	8	AMD	213*	5
231	15	REP	103	8	277	11	AMD	195*	82
231	16	REP	103	8	277	16	AMD	212*	2
231	17	REP	103	8	277	17	AMD	213*	3
231	18	REP	103	8	277	18	AMD	195*	81
231	19	REP	103	8	277	18	AMD	213*	4
231	20	AMD	103	6	277	21	AMD	195*	79
231	22	AMD	103	7	277	24	AMD	195*	80
237	1	AMD	88*	2	278	1	AMD	180*	3
237	2	AMD	86*	1	279	3	AMD	46*	1
239	9	AMD	52*	4	279	3	AMD	130*	2
242	2	AMD	86	1	279	8	AMD	191*	1
243	4	AMD	195*	94	279	12	AMD	191*	2
243	4	AMD	195*	145	279	15	AMD	46*	2
243	6	AMD	195*	101	279	16	AMD	191*	3
243	6	AMD	195*	146	280	1	REP	218*	29
244	1	AMD	150*	1	280	2	REP	218*	29
245	10	AML	163*	1	280	3	REP	218*	29
246	2	REP	57	1	280	4	REP	218*	29
246	3	REP	57	1	280	5	REP	218*	29
246	4	REP	57	1	280	6	REP	218*	29
248	3	AMD	1*	3	280	7	REP	218*	29
249	2	AMD	150*	2	280	8	REP	218*	29
250	7	AMD	66	1	280	9	REP	218*	29
250	11	AMD	66	2	280	11	REP	218*	29
250	12	AMD	66	3	280	16	REP	218*	29
250	14	AMD	66	4	280	18	REP	218*	29
252	1	AMD	33*	3	280	19	REP	218*	29
252	18	AMD	33*	4	280	20	REP	218*	29
253	3	AMD	20*	1	280	25	REP	218*	29
253	7	AMD	20*	2	281	2	AMD	141*	7
253	14	AMD	20*	3	281	3	AMD	141*	8
253	26	REP	20*	10	281	4	AMD	141*	9
253	27	AMD	20*	4	281	5	AMD	141*	11
253	28	REP	20*	10	281	6	AMD	141*	12
253	31	AMD	20*	5	281	8	AMD	141*	14
					281	17	REP	195*	133

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283	13	AMD	220*	2	5	2	AMD	17*	2
284	8	AMD	83*	1	10	2	AMD	51	1
286		ADD	203*	3	11	1	AMD	133*	1
286	3	AMD	203*	1	17	1	AMD	63	1
286	18	AMD	203*	2	17	2	AMD	63	2
287	9	AMD	72*	1	19	1	AMD	99*	1
288	4	AMD	98*	1	20	1	REEN	38	1
288	8	AMD	195*	100	21	1	REP	157*	30
288	9	AMD	195*	99	24	1	AMD	124*	2
288	13	AMD	195*	88	24	1	AMD	160*	1
288	15	REP	58	1	24	2	AMD	124*	1
288	20	AMD	67*	1	28	1	AMD	29*	1
288	22	AMD	195*	107	43	7	AMD	124	1
288	23	AMD	195*	108	43	9	AMD	154*	92
288	23	AMD	195*	151	43	18	AMD	154*	95
288	24	AMD	195*	109	43	19	AMD	154*	96
288	26	AMD	3	1	43	20	AMD	147	1
289	9	AMD	147	2	43	24	AMD	110	3
289	9	AMD	154*	97	43	36	REEN	40	1
289	17	AMD	110	3	49	1	REEN	42	1
289	76	AMD	32*	1	50	1	REEN	40	1
289	77	AMD	110	2	51	2	AMD	40*	1
289	86	AMD	52*	8	54	2	REP	132	15
291	3	AMD	126*	2	57	5	REEN	38	1
292	5	AMD	154*	11	64	1	REP	9	8
292	6	AMD	154*	12	71	1	AMD	154*	87
292	19	AMD	77	4	72	1	REP	122*	18
292	37	AMD	100	1	77	2	AMD	155*	3
292	50	AMD	142*	4	87	1	AMD	136*	5
292	51	REP	142*	66	92	2	AMD	103*	6
292	55	AMD	154*	115	95	1	AMD	109	1
292	60	REP	154*	21	97	1	AMD	88*	1
292	61	AMD	154*	51	99	5	REP	132*	25
292	62	AMD	154*	52	100	1	AMD	106	2
292	63	REP	142*	66	100	2	AMD	106	3
292	69	AMD	146*	1	102	1	AMD	195*	34
294	5	AMD	195*	90	102	1	AMD	195*	143
294	6	AMD	195*	91	103	1	AMD	195*	47
294	8	AMD	195*	92	105	2	REEN	46	2
294	14	AMD	195*	93	105	4	AMD	78*	1
294	19	AMD	195*	136	107	1	AMD	195*	10
299	3	AMD	145*	1	107	1	AMD	195*	140
299	5	AMD	141*	13	116	1	AMD	33*	3
299	9	AMD	204*	1	116	10	AMD	33*	4
299	10	AMD	141*	6	118	1	AMD	153*	1
299	25	AMD	195*	106	118	2	AMD	153*	4
299	33	AMD	195*	89	118	5	AMD	153*	7
299	72	AMD	154*	120	122		ADD	92	2
299	73	AMD	103	5	122	7	AMD	155*	1
303	9	AMD	195*	24	122	30	AMD	155*	5
305	2	AMD	52*	1	122	31	AMD	92	1
					124	1	REEN	46	2
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					125	2	AMD	187*	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	125	2	AMD	195*	96
5	1	AMD	17*	1	126	1	AMD	98*	1
					135	2	AMD	156*	1
					138	2	REEN	42	1

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138	5	AMD	156*	8
139	1	AMD	57*	1
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153	20	AMD	128*	1
153	21	AMD	128*	2
153	22	AMD	128*	3
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157	2	REEN	41	1

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3	1	AMD	195*	102
3	1	AMD	195*	147
4	5	AMD	85	1
13		ADD	66*	1
37	1	AMD	106	6
38	1	AMD	16	1
46	2	AMD	195*	9
46	2	AMD	195*	137
46	2	AMD	195*	138
46	2	AMD	195*	139
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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO. 3 (**State Wide Prohibition**)—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—189,840 **Against**—171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—142,017 **Against**—147,298.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—117,882 **Against**—167,080.
- *INITIATIVE MEASURE NO. 8 (**Abolishing Employment Offices**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—162,054 **Against**—144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—143,738 **Against**—154,166.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—111,805 **Against**—183,726.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- 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

- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Non-Partisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (**Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (**Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax**)—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: **For**—193,356 **Against**—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (**Non-Partisan Elections**)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (**Workmen's Compensation Measure**)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (**Relating to Injunctions in Labor Disputes**)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (**Relating to Municipal Ownership**)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE NO. 45 (**Legislative Reapportionment**)—Filed February 14, 1922. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 46 (**"30-10" School Plan**)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: **For**—99,150 **Against**—150,114.
- INITIATIVE MEASURE NO. 47 (**Workmen's Compensation Measure**)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE NO. 48 (**Compulsory School Attendance**)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE NO. 49 (**Compulsory School Attendance**)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—158,922 **Against**—221,500.
- INITIATIVE MEASURE NO. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—128,677 **Against**—211,948.
- INITIATIVE MEASURE NO. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE NO. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—139,492 **Against**—217,393.
- INITIATIVE MEASURE NO. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE NO. 54 (**State Commission to License and Regulate Horse-racing, Pool-selling, etc.—Pari-mutuel Measure**)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE NO. 55 (**Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE NO. 56 (**Redistricting State for Legislative Purposes**)—Filed April 24, 1930. Refiled as Initiative Measure No. 57.
- *INITIATIVE MEASURE NO. 57 (**Redistricting State for Legislative Purposes**)—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For**—116,436 **Against**—115,641. Act is now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE NO. 58 (**Permanent Registration**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—372,061 **Against**—75,381. Act is now identified as Chapter 1, Laws of 1933.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE NO. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.

INITIATIVE MEASURE NO. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.

*INITIATIVE MEASURE NO. 61 (**Relating to Intoxicating Liquors**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—341,450 **Against**—208,211. Act is now identified as Chapter 2, Laws of 1933.

*INITIATIVE MEASURE NO. 62 (**Creating Department of Game**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—270,421 **Against**—231,863. Act is now identified as Chapter 3, Laws of 1933.

INITIATIVE MEASURE NO. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.

*INITIATIVE MEASURE NO. 64 (**Limits Tax Levy on Real and Personal Property to 40 Mills**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—303,384 **Against**—190,619. Act is now identified as Chapter 4, Laws of 1933.

INITIATIVE MEASURE NO. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.

INITIATIVE MEASURE NO. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.

INITIATIVE MEASURE NO. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.

INITIATIVE MEASURE NO. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.

*INITIATIVE MEASURE NO. 69 (**Income Tax Measure**)—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—322,919 **Against**—136,983. Act is now identified as Chapter 5, Laws of 1933.

INITIATIVE MEASURE NO. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.

INITIATIVE MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934.
No petition filed.
- *INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—275,507 **Against**—153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934.
No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
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*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For—219,635 Against—192,168**. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For—208,904 Against—300,274**.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- 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 3, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)**—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.
- INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.
- INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.
- INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.
- INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.
- INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.
- INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.
- INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.
- *INITIATIVE MEASURE NO. 141 (Old Age Pension)**—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For**—358,009 **Against**—258,819. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (**Chain Store Tax**)—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (**Relating to State Sale of Gas and Oil**)—Filed February 2, 1940. No petition filed.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- 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

- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For—220,239 Against—367,836.**
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions filed for canvassing.
- *INITIATIVE MEASURE NO. 169 (**Providing Bonus to Veterans of World War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—438,518 Against—337,410.** However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).
- INITIATIVE MEASURE NO. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.
- *INITIATIVE MEASURE NO. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—416,227 Against—373,418.** Act is now identified as Chapter 5, Laws of 1949.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

***INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)**—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—420,751 **Against**—352,642. Act is now identified as Chapter 6, Laws of 1949.

INITIATIVE MEASURE NO. 173 (Providing for the Observance of Daylight Saving Time in the State of Washington)—Filed May 20, 1948. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 174 (Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government)—Filed January 16, 1950. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan control)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: **For**—159,400 **Against**—534,689.

INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.

***INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)**—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: **For**—394,261 **Against**—296,290. Act is now identified as Chapter 1, Laws of 1951.

INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)—Filed May 5, 1950. No signature petitions presented for canvassing.

***INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)**—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—836,580 **Against**—163,752. Act is now identified as Chapter 1, Laws of 1953.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)**—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—597,558 **Against**—397,928. Act is now identified as Chapter 2, Laws of 1953.
- INITIATIVE MEASURE NO. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: **For**—265,193 **Against**—646,534.
- INITIATIVE MEASURE NO. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 186 (**Providing a Civil Service System for Employees of County Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 187 (**Permitting a Modified Coloring of Oleo-margarine**)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 188 (**Raising Standards for Chiropractic Examinations**)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—320,179 **Against**—493,108.
- INITIATIVE MEASURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—237,004 **Against**—555,151.
- INITIATIVE MEASURE NO. 193 (**Statewide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—370,005 **Against**—457,529.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- 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 "Denturistry"**)—Filed January 11, 1960. No signature petitions presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE NO. 207 (Civil Service for State Employees)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—606,511 **Against**—471,730. Act is now identified as Chapter 1, Laws of 1961.
- *INITIATIVE MEASURE NO. 208 (Authorizing Joint Tenancies in Property)**—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—647,529 **Against**—430,698. Act is now identified as Chapter 2, Laws of 1961.
- INITIATIVE MEASURE NO. 209 (Minimum Old Age Assistance Grants)**—Filed February 8, 1960. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 210 (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.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

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

***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—Filed 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 Gairrett 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

*Indicates measure became law

INITIATIVES TO THE PEOPLE

- 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
- INITIATIVE MEASURE NO 246—Filed January 6, 1970 by Donald N Mc-
Donald Immediately after filing, the sponsor decided to abandon the
initiative measure For this reason, Attorney General did not issue ballot
title and no further action was taken Refiled January 22, 1970 as
Initiative Measure No 248.
- INITIATIVE MEASURE NO 247 (**Increasing Maximum Retail Service
Charges**)—Filed January 20, 1970 by the Washington Citizens for Com-
petitive Credit—A F Carey of Seattle, Secretary-Treasurer No signa-
tures presented for checking
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*Indicates measure became law

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 248 (**Property Tax Millage Rate Reallocation**)—
Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures
presented for checking.
- INITIATIVE MEASURE NO. 249—Filed February 11, 1970 by the Committee
for Bingo for Washington—State Representative Mark Litchman, Jr. of
Seattle, Chairman. NOTE: Attorney General refused to issue a ballot
title for this measure because, in his opinion, the initiative procedure
cannot be used to amend the state constitution. No further action was
taken by the sponsor.
- INITIATIVE MEASURE NO. 250 (**Certain Salary Increases—Voter Approval**)
—Filed February 17, 1970 by the Committee for Voter Approved Salary
Increases—Albert C. Navone of Seattle, Chairman. No signatures pre-
sented for checking.
- INITIATIVE MEASURE NO. 251 (**State Taxation—To regulate Imposition**)—
Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue.
Signatures (135,668) filed July 3, 1970 and found sufficient. Measure
submitted to the voters for decision at the November 3, 1970 state general
election and rejected by the following vote: **For—504,779 Against—
527,263.**
- INITIATIVE MEASURE NO. 252 (**Property Taxation—Fixing Maximum
Rate**)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe,
President. Due to technical reasons, the sponsor abandoned this measure
and no further action was taken.
- INITIATIVE MEASURE NO. 253 (**Open Land—Special Taxation Basis**)—
Filed March 24, 1970 by the Island County Branch of American Taxpay-
ers Association, Inc.—John Metcalf, Vice-chairman. No signatures pre-
sented for checking.
- INITIATIVE MEASURE NO. 254 (**Certain Gambling Activities—Criminal
Exemptions**)—Filed March 26, 1970 by the Washington State Federation
of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, Presi-
dent. No signatures presented for checking.
- INITIATIVE MEASURE NO. 255—Filed April 20, 1970 by Robert H. Keller,
Jr. of Bellingham. Refiled April 23, 1970 as Initiative Measure No. 256.
- INITIATIVE MEASURE NO. 256 (**Prohibiting Certain Nonrefundable Bever-
age Receptacles**)—Filed April 23, 1970 by Robert H. Keller, Jr., of
Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient.
Measure submitted to the voters for decision at the November 3, 1970
state general election and rejected by the following vote: **For—511,248
Against—538,118.**
- INITIATIVE MEASURE NO. 257 (**Licensing Dog Racing—Parimutuel Bet-
ting**)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signa-
tures presented for checking.
- INITIATIVE MEASURE NO. 258 (**Certain Cities—Greyhound Racing Fran-
chises**)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signa-

*Indicates measure became law

INITIATIVES TO THE PEOPLE

tures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For**—526,371 **Against**—895,385.

INITIATIVE MEASURE NO. 259 (**Providing for Presidential Preference Primary**)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.

INITIATIVE MEASURE NO. 260 (**Regulating Horse and Dog Racing**)—Filed January 7, 1972 by Friends of Dog Racing (et al) of Federal Way. No signatures presented for checking.

INITIATIVE MEASURE NO. 261 (**Liquor Sales by Licensed Retailers**)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For**—634,973 **Against**—779,568.

INITIATIVE MEASURE NO. 262 (**Minimum Age—Alcoholic Beverage Purchases**)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.

INITIATIVE MEASURE NO. 263 (**Tax Reform**)—Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Re filed January 31, 1972 as Initiative Measure No. 267.

INITIATIVE MEASURE NO. 264 (**Liberalizing State Regulation of Marijuana**)—Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.

INITIATIVE MEASURE NO. 265—Filed January 20, 1972 by Joe Davis of Seattle. Re filed January 25, 1972 as Initiative Measure No. 266 with new sponsor.

INITIATIVE MEASURE NO. 266 (**Changing Congressional and Legislative Districts**)—Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.

INITIATIVE MEASURE NO. 267 (**Repealing Most Property Tax Exemptions**)—Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE NO. 268 (**Unicameral Legislature**)—Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)

INITIATIVE MEASURE NO. 269 (**Examinations for Diplomas and Degrees**)—Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.

*Indicates measure became law.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 270 (**Election Campaign Financial Reports**)—
Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures
presented for checking.
- INITIATIVE MEASURE NO. 271 (**Income Tax and Revenue Distribution**)—
Filed February 28, 1972 by Charles Clark Marshall of Seattle No signa-
tures presented for checking.
- INITIATIVE MEASURE NO. 272 (**Recreational Personal Property—Taxation
Removed**)—Filed March 1, 1972 by Gary K. Ballew of Vancouver. No
signatures presented for checking.
- INITIATIVE MEASURE NO. 273—Filed March 2, 1972 by Margaret C. Tunks
of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new
sponsor.
- INITIATIVE MEASURE NO. 274 (**Reducing Motor Vehicle Fuel Tax**)—Filed
March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented
for checking.
- INITIATIVE MEASURE NO. 275 (**Regulating Non-Native Wild Animal
Sales**)—Filed March 23, 1972 by Harry and June Delaloye of Seattle.
No signatures presented for checking.
- *INITIATIVE MEASURE NO. 276 (Disclosure—Campaign Finances—Lob-
bying—Records)**—Filed March 29, 1972 by Michael T. Hildt of Seattle.
Signatures (162,710) were submitted and found sufficient. Submitted
to the voters for decision at the November 7, 1972 state general election
and approved by the following vote: **For—959,143 Against—372,693.** Act is
now identified as Chapter 1, Laws of 1973.
- INITIATIVE MEASURE NO. 277 (**Camping on Certain Ocean Beaches**)—
Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures pre-
sented for checking.
- INITIATIVE MEASURE NO. 278 (**Tax Revision—Income Tax—Schools**)—
Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Wash-
ington, and Representative Charles Moon of Seattle. No signatures
presented for checking.
- INITIATIVE MEASURE NO. 279 (**State Funding of Public Schools**)—Filed
May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented
for checking.

*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. Refiled as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (**Pension for Blind**)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (**Relating to Intoxicating Liquors**)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (**Unicameral Legislature**)—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (**Reapportionment of State Legislative Districts**)—Filed July 8, 1942. No petition filed.
- *INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and Wine to State Liquor Stores**)—This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action and as pro-

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

vided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For—208,337 Against—602,141.**

INITIATIVE TO THE LEGISLATURE NO. 14 (Reapportionment of State Legislative Districts)—Filed September 19, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 15 (Establishing a Civil Service System for the Employees of the State of Washington)—Filed October 16, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 16 (Providing for the Election of State Game Commissioners)—Filed September 8, 1948. No signature petitions presented.

INITIATIVE TO THE LEGISLATURE NO. 17 (Regulating Legislative Committee Hearings)—Filed October 16, 1948. No signature petitions filed.

INITIATIVE TO THE LEGISLATURE NO. 18 (Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.)—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 19 (Repealing the Subversive Activities Act)—Filed September 19, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 20 (Legislative and Congressional Districting)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.

INITIATIVE TO THE LEGISLATURE NO. 21 (Professional Practice Boards)—Filed April 20, 1954. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 22 (Legislative and Congressional Districting)—Filed May 17, 1954. No signature petitions presented for checking.

***INITIATIVE TO THE LEGISLATURE NO. 23 (Civil Service for Sheriff's Employees)**—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For—539,640 Against—289,575.** Act is now identified as Chapter 1, Laws of 1959.

INITIATIVE TO THE LEGISLATURE NO. 24 (Limiting Dams in Fish Sanctuaries)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

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 refiled of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (Local Processing of State Timber)**--Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For--450,559 Against--716,291**.

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)—Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning “the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia.” However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 (**“Personal Effects” Tax Exemption**)—Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (**State Citizens—War and Taxes**)—Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (**Licensing Dog Racing—Parimutuel Betting**)—Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37 (**Transportation Revenues—Use and Distribution**)—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (**Certain Cities—Greyhound Racing Franchises**)—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (**Licensing Dog Racing—Parimutuel Betting**)—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (**Litter Control Act**)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971, 1st Ex. Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution,

*Indicates measure became law.

INITIATIVES TO THE LEGISLATURE

both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 40	Prefer No. 40B
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971, 1st Ex. Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (Public Schools—Certain Courses Curtailed)—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42—Filed September 21, 1970 by the Washington Environmental Council. Refiled September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (Regulating Shoreline Use and Development)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971, 1st Ex. Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 43	Prefer No. 43B
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971, 1st Ex. Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation—20 Mills)**—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: **For**—930,275 **Against**—301,238. Act is now identified as Chapter 2, Laws of 1973.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (**Chapter 48, Laws of 1913, Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. ***Failed to pass** by the following vote: **For—59,051 Against—252,356. As a consequence, Chapter 48, Laws of 1913 did not become law.**
- REFERENDUM MEASURE NO. 2 (**Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. ***Failed to pass** by the following vote: **For—102,315 Against—189,065. As a consequence, Chapter 180, Laws of 1913 did not become law.**
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—62,117 Against—196,363. As a consequence, Chapter 54, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—63,646 Against—193,686. As a consequence, Chapter 55, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws of 1915, Party Conventions Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—49,370 Against—200,499. As a consequence, Chapter 52, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 6 (**Chapter 181, Laws of 1915, Anti-Picketing**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—85,672 Against—183,042. As a consequence, Chapter 181, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 7 (**Chapter 178, Laws of 1915, Certificate of Necessity Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—46,820 Against 201,742. As a consequence, Chapter 178, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 8 (**Chapter 46, Laws of 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—45,264 Against—195,253. As a consequence, Chapter 46, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws of 1915, Budget System**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For—67,205 Against—181,833. As a consequence, Chapter 49, Laws of 1915 did not become law.**

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 10 (**Chapter 19, Laws of 1917, Bone Dry Law**)
—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: **For—96,100 Against—54,322.**
- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws of 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws of 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws of 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—64,800 Against—154,905. As a consequence, Chapter 59, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws of 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws of 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—96,874 Against—156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws of 1921, Primary Nominations and Registrations**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—60,593 Against—164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws of 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—57,324 Against—140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws of 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. ***Failed to pass** by the following vote: **For—169,047 Against—203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.**
- REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws of 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws of 1933, Cities and Towns; Electric Energy**)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: **For—221,590 Against—160,244.**

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

- 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

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

following vote: **For**—163,923 **Against**—467,574. As a consequence, only sections 1 through 5, inclusive, became law.

REFERENDUM MEASURE NO. 29 (Portion of Chapter 190, Laws of 1949, Amending State Insurance Code)—Filed April 2, 1949. No signature petitions presented for canvassing.

REFERENDUM MEASURE NO. 30 (Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. ***Failed to pass** by the following vote: **For**—52,223 **Against**—811,539. As a consequence, Chapter 280, Laws of 1957 did not become law.

REFERENDUM MEASURE NO. 31 (Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.

REFERENDUM MEASURE NO. 32 (Chapter 298, Laws of 1961, Washington State Milk Marketing Act)—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—153,419 **Against**—677,530. As a consequence, Chapter 298, Laws of 1961 did not become law.

REFERENDUM MEASURE NO. 33 (Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts)—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—242,189 **Against**—563,475. As a consequence, Chapter 275, Laws of 1961 did not become law.

REFERENDUM MEASURE NO. 34 (Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo)—Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).

Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURES

As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. ***Failed to pass** by the following vote: **For—505,633 Against—622,987. As a consequence, Chapter 37, Laws of 1963 did not become law.**

REFERENDUM MEASURE NO. 35 (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.

* 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

- 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.**
- REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970—Changes in Abortion Law)**—Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—599,959 Against—462,174.**
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REFERENDUM BILLS

REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970—Outdoor Recreation Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—520,162 Against—474,548.**

REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970—State Building Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: **For—399,608 Against—574,887.**

REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970—Pollution Control Bonds—Sales; Interest)—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For—581,819 Against—414,976.**

REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972—Lobbyists—Regulation, Registration and Reporting)—Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—696,455 Against—576,404.**

REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972—Regulating Certain Electoral Campaign Financing)—Filed February 24, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—694,818 Against—574,856.**

REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972—Bonds for Waste Disposal Facilities)—Filed February 25, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—827,077 Against—489,459.**

REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972—Bonds for Water Supply Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—790,063 Against—544,176.**

REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972—Bonds for Public Recreation Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—758,530 Against—579,975.**

REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972—Health, Social Service Facility Bonds)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For—734,712 Against—594,172.**

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972—Bonds for Public Transportation Improvements)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: **Against—665,493 For—637,841.**

REFERENDUM BILLS

REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972—Bonds for Community College Facilities)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—721,403 **Against**—594,963.

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.

- 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.

- 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.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted, November, 1968.
- No. 52. Amending Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted, November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted, November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted, November, 1968.
- No. 55. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted, November, 1972.
- No. 56. Amending Section 24, Article II. Re: **Lotteries and Divorce.** Adopted, November, 1972.
- No. 57. Amending Section 5, Article XI. Re: **County Government.** Adopted, November, 1972.
- No. 58. Amending Section 16, Article XI. Re: **Combined City-County.** Adopted, November, 1972.
- No. 59. Amending Section 2, Article VII. Re: **Limitation on Levies.** Adopted, November, 1972.
- No. 60. Amending Section 1, Article VIII. Re: **State Debt** and Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved, November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted, November, 1972.

**TEXT OF CONSTITUTIONAL AMENDMENTS
APPROVED AT 1972 GENERAL ELECTION**

AMENDMENT 55

Art. VII § 2 **LIMITATION ON LEVIES.** 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. [1971 Senate Joint Resolution No. 1. Approved November 7, 1972.]

Note: Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 59. (HJR 47.)

Prior amendment of Art. 7 § 2, see Amendment 17.

AMENDMENT 56

Art. II § 24 **LOTTERIES AND DIVORCE.** The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon. [1971 Senate Joint Resolution No. 5. Approved November 7, 1972.]

AMENDMENT 57

Art. XI § 5 **COUNTY GOVERNMENT.** The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: *Provided,* That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: *Provided,* That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Art. XI § 8 **SALARIES AND LIMITATIONS AFFECTING.** The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. [1971 Senate Joint Resolution No. 38. Approved November 7, 1972.]

Prior amendment of Art. 11 § 5, see Amendment 12.

AMENDMENT 58

Art. XI § 16 **COMBINED CITY-COUNTY.** Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election

may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this Article shall not apply to any such city-county.

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: *Provided further*, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: *Provided*, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: *Provided further*, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution. [1971 House Joint Resolution No. 21. Approved November 7, 1972.]

Prior amendment of Art. 11 § 16, see Amendment 23.

AMENDMENT 59

Art. VII § 2 LIMITATION ON LEVIES. 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 forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty 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 "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths

of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in 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. [1971 House Joint Resolution No. 47. Approved November 7, 1972.]

Note: Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 55 (SJR 1). 1971 HJR No. 47 contained the following paragraph:

"Be It Further Resolved, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1. *Provided*, That if both proposed amendments are approved and ratified, both shall become part of the Constitution."

Prior amendment of Art. 7 § 2, see Amendment 17.

AMENDMENT 60

Art. VIII § 1 STATE DEBT. (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this Article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this Article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective

date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: *Provided*, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this Article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Art. VIII § 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. No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. [House Joint Resolution No. 52. Approved November 7, 1972.]

Prior amendment of Art. 8 § 3, see Amendment 48.

LEGISLATIVE JOINT RESOLUTION TO CONGRESS

HOUSE JOINT RESOLUTION NO. 10

BE IT RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON IN LEGISLATIVE SESSION ASSEMBLED:

WHEREAS, Both Houses at the second session of the Ninety-second Congress of the United States of America by a constitutional majority of two-thirds thereof proposed an amendment to the Constitution of the United States which is in words and figures as follows, to-wit:

"JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"ARTICLE --

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

"SECTION 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

"SECTION 3. This amendment shall take effect two years after the date of ratification."

NOW, THEREFORE, BE IT RESOLVED, That said proposed amendment to the Constitution of the United States of America be, and the same is hereby ratified by the legislature of the State of Washington.

AND BE IT FURTHER RESOLVED, That certified copies of this joint resolution be forwarded by the Governor of the State of Washington to the Administrator of General Services, Washington, D.C., and the President of the Senate, and the Speaker of the House of Representatives of the Congress of the United States.

Passed the House March 9, 1973.

Passed the Senate March 22, 1973.

Filed in Office of Secretary of State March 27, 1973.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1973
FIRST SPECIAL SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1973

HOUSE JOINT RESOLUTION NO. 22

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state
there shall be submitted to the qualified voters of the state for
their approval and ratification, or rejection, an amendment to
Article VII of the Constitution of the state of Washington by adding
a new section to be known as section 12, such new section to read as
follows:

NEW SECTION. Article VII, section 12. The legislature may,
notwithstanding any other provision of this Constitution, provide
that the ad valorem taxes levied by the state or by any taxing
district in which there is located all or a part of an area included
in an urban development or redevelopment project, as those two terms
shall be defined by the legislature, may be divided so that the taxes
levied against any increase in the true and fair value, as defined by
law, which may be reasonably construed to have arisen from an
associated project, of property in such area obtaining after the
effective date of the ordinance or resolution approving the project,
or obtaining after the date of the acquisition of the property for
urban development or redevelopment purposes, as determined by the
legislature, shall be used to pay any indebtedness incurred for the
project. The legislature may enact such laws as may be necessary to
carry out the purposes of this section.

BE IT FURTHER RESOLVED, That the secretary of state shall
cause notice of the foregoing constitutional amendment to be
published at least four times during the four weeks next preceding
the election in every legal newspaper in the state.

Passed the House April 7, 1973.

Passed the Senate April 14, 1973.

Filed in Office of Secretary of State April 16, 1973.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1973
FIRST SPECIAL SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1973

HOUSE JOINT RESOLUTION NO. 37

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state
there shall be submitted to the qualified electors of the state for
their approval and ratification, or rejection, an amendment to
Article VII of the Constitution of the State of Washington by adding
a new Section 12 thereto to read as follows:

Article VII, Section 12. (1) Income shall not be deemed
property within the meaning of this Article, and a tax imposed upon
or measured by income shall not be deemed a tax on property.

(2) The legislature shall have the power to impose a tax upon,
or to measure a tax by, net income as defined by the legislature in
accordance with the following condition:

(a) The highest rate of any tax imposed upon or measured by
the net income of individuals shall not exceed eight percent and the
highest rate of any tax imposed upon or measured by the net income of
corporations shall not exceed twelve percent.

(b) The rate schedule for a tax imposed upon or measured by
the net income of individuals shall be at rates progressively higher
on income amounts over specified levels and shall contain no less
than six different rates, the difference between each of which shall
be equal and shall be no less than one-half of one percent.

(c) In the first statute implementing this amendment the
highest rate of the rate schedule for a net income tax imposed upon
individuals shall not exceed six and one-half percent and the highest
rate of the rate schedule for a net income tax imposed upon
corporations shall not exceed ten percent. The rate limitations
prescribed in this subsection may be exceeded only if those sections
of an act which change such rates are enacted by a majority of the
members of each of the two houses of the legislature and are referred
to the people and approved by a majority vote thereon at a general
election.

(d) From and after the initial adoption of an act by the
legislature imposing a tax upon or measured by net income no
amendment to such act which changes: (i) the definition of taxable
income, (ii) a rate or rates, within the limitations set forth in
(a), (b) or (c) above or (iii) an amount or amounts of taxable income
in the rate schedule, shall be valid unless such amendment is enacted
by a majority of the members of each of the two houses of the

legislature, and is subject to referendum petition.

(3) Notwithstanding any other provision of this Constitution, not later than twelve months after a tax imposed upon or measured by net income takes effect, and during the time such tax is in effect thereafter:

(a) No school district in any year shall, for maintenance and operations purposes, impose a tax upon property pursuant to the provisions of paragraph (a) of section 2, as now or hereafter amended, of this Article VII.

(b) The state shall guarantee full funding of a basic program of education, as defined by the legislature.

(c) No sale or use tax shall be imposed on the sale or use of the following articles as defined by the legislature: (i) food products for off-premises human consumption, and (ii) prescription drugs.

(d) The aggregate rate of any general retail sales or use tax as imposed by the state and political subdivisions thereof may not exceed five and three-tenths percent.

(e) The state shall not impose any general business and occupation tax at a greater rate than one-quarter of one percent of gross income where such tax is imposed as of January 1, 1973 by session laws sections 82.04.010 through 82.04.290, chapter 15, Laws of 1961, as amended and where such income is also subject to a tax imposed upon or measured by net income derived from such business or occupation.

(4) Notwithstanding any other provisions of this Constitution:

(a) Upon and after December 31, 1979, business inventories held for sale shall be exempt from ad valorem taxes.

(b) In the case of capital property as defined by the legislature held by a taxpayer on the effective date of a state income tax act and disposed of after such effective date, such taxpayer shall be allowed to exclude from the computation of taxable income the amount of any gain attributable to a difference in value of such property occurring between the time of acquisition by the taxpayer and the effective date of such act.

(5) Notwithstanding any other provision of this Constitution, the legislature may by law:

(a) Provide for direct payments to an individual 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.

(b) Coordinate the administration and collection of state income taxes with the income tax laws and procedures of the United States. The legislature may adopt by reference any federal statutes

relating to federal income taxes, as existing at time of adoption and as amended from time to time.

(c) Define terms used in this Section 12 to the extent necessary to facilitate the operation thereof.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be construed as a single amendment within the meaning of Article XXIII, Section 1 (Amendment 27) 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. In the event the foregoing amendment is held to be separate amendments, this joint resolution shall be void in its entirety and shall be of no further force and effect.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 14, 1973.

Passed the Senate April 14, 1973.

Filed in Office of Secretary of State April 16, 1973.

PROPOSED CONSTITUTIONAL AMENDMENT ADOPTED AT 1973
FIRST SPECIAL SESSION FOR SUBMISSION TO THE VOTERS AT THE
STATE GENERAL ELECTION, NOVEMBER 1973

HOUSE JOINT RESOLUTION NO. 40

BE IT RESOLVED, By the Senate and the House of Representatives of the State of Washington, in Legislative Session Assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the state of Washington by amending section 2 (Amendments 55 and 59) thereof to read as follows:

Article VII, section 2. 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 "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in 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))~~ "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such

taxing district in 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.

AND BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House April 4, 1973.

Passed the Senate April 11, 1973.

Filed in Office of Secretary of State April 16, 1973.